

# LAW ENFORCEMENT NEWS

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## Memphis cops return after week-long strike

Memphis' 1,000-member patrol force was back on the beat last month after a week-long strike that had forced the city to call in the National Guard and to elicit aid from the county sheriff's department and the state police in its efforts to maintain law enforcement services.

The seven-day walkout by members of the Memphis Police Association apparently has had no residual effect on the department. A police spokesman told Law Enforcement News that the force returned to normal "as quick as the striking officers went back to work."

When asked if there was any evidence of bad feelings between the patrol force and the non-striking supervisors, the spokesman

replied that there was "none that I could see."

Commenting on how the city of 650,000 was policed during the strike, the police information officer noted that the department's supervisory force, the National Guard, state troopers, and deputies from the Shelby County Sheriff's Department "worked together in combination" to patrol the city's streets. "We were well prepared," he said. "Everything went smoothly, considering the circumstances."

The circumstances surrounding the walkout, which began on August 11, included a fireman's strike that was called three days after the policemen walked off the job and a citywide power blackout in

the early morning hours of August 16. The firemen's dispute was settled concurrently with the police strike after a week of marathon negotiations.

Although the three-hour power outage was originally thought to be an act of sabotage, with accusing fingers pointed in the general direction of striking police and firemen, it allegedly was triggered by an intoxicated security officer who had been assigned to guard a power substation.

"I just started flicking switches," the guard reportedly told police after his arrest. "I turned a bunch of them. I don't know what they did. I just turned a bunch of them."

The city's patchwork police force ex-

perienced no major problems during the blackout, and it seemed to provide adequate police services throughout the week of the strike. The police spokesman noted that while the multi-agency force had no centralized command, there was a great deal of cooperation among the three departments and the National Guard.

Memphis' crime rate actually dropped during the strike, the spokesman added, although the exact rate of the decline has not yet been determined.

One of the primary reasons for the crime reduction may have been due to an 8 P.M.-to-6 A.M. general curfew that was ordered by Memphis Mayor Wyeth Chandler shortly after the strike began. The "civil emergency" order stipulated that no person would be permitted on the streets during the curfew hours, that no gasoline or other flammable product could be pumped into any container except the tank of a motor vehicle and that no loaded firearms would be allowed, except with legal authorization.

Chandler's directive came on the heels of a temporary restraining order issued by a city judge who did not technically call on the police to return to work, but only to end their strike. Chandler said that he interpreted the order as instructions to the policemen to return to their duties, but the Memphis Police Association's attorney, Russell X. Thompson, contended that the ruling was not a back-to-work order, and the group continued its strike.

Police association president David Baker noted that the primary reason his membership struck the city was "officer frustration due to paternalism." He explained that the association was "frustrated over the [city's] attitude that you [the police] are our employees and you will do and accept what we tell you without any collective bargaining."

Memphis officials had offered the police union a two-year package that included a 6.653 percent pay boost retroactive to July 1, a \$22.50 a month raise beginning on July 1, 1979, and another 7.5 percent wage increase starting October 1, 1979, according to the Memphis *Commercial Appeal*. Other provisions in the city's final offer before the strike would have increased longevity pay by a \$1 a month for each year of service, and would have set up a city study of policemen's salaries in relation to those of other city employees.

In a 528 to 266 vote, the union rejected the offer and the strike was called by the association's leaders. Baker implied that the walkout could have been averted if the city had offered his membership a one-year pact. "During the seven weeks leading up to the strike, he said in a phone interview, "we talked and discussed the need for a

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## Montgomery County FOP blasts di Grazia; votes 'no confidence' in chief's policies

Montgomery County, Maryland Police Chief Robert J. di Grazia, whose innovative policies have been the subject of public debate, found himself in the midst of yet another controversy last month, when the county's police union presented him with a vote of "no confidence," and a candidate for county executive blasted him for "downgrading" the role of his officers.

Articles in the *Washington Post* concerning the two related developments noted that discontent in the 750-member department had been brewing for several months over di Grazia's policies, but that the vote by about 300 members of the Fraternal Order of Police was the first public attack on the chief by his men.

Responding by characterizing many of the group's charges as invalid, di Grazia said he would be "more concerned about a no confidence vote of the citizens" than the department serves.

The FOP released a list of nine grievances, which chapter president Lenny Simpson said were at "the heart of the police officer frustrations." Simpson emphasized the lack of opportunity for promotions within the force and a recent department report which challenged the efficiency of the officers' four-day week.

In a hastily-called news conference, the FOP leader noted that there have been no promotions in the lower ranks since 1975. "The continued indifference to the lower ranking officers can no longer go unchallenged by our organization," he said.

Noting that his colleagues are "very concerned" about keeping their present four-day, 10-hour-a-day weekly schedule, Simpson charged that the department's study of the four-day week was based on "outdated and inadequate data."

Di Grazia reportedly appeared untroubled at a press conference he called shortly after



Robert J. di Grazia

Simpson made his remarks. "Around budget time or in election years, you'll always hear comments that 'morale has never been lower,'" he said. "Look over the last 15 years and you'll find them."

Regarding his officers' concern over the retention of the four-day work week, the chief observed that "they should be concerned" because the schedule "suits officers' needs more than the community's needs."

Di Grazia cited a departmental report which showed that there are inadequate numbers of officers on duty during the peak crime periods. "If there are not officers on the streets during the peak hours, then citizens' and officers' safety is in jeopardy," he asserted.

Although the chief said he is considering a restructuring of shifts, he noted that no action would be taken until he gets input from his officers.

Simpson provided some feedback at his news conference, noting that the department study was based on "outdated 1977 data" and did not differentiate between

service calls for serious incidents and those for routine matters.

Commenting on the lack of promotions during his one-and-a-half year tenure, di Grazia expressed his concern over "career advancement and promotions for police officers" but he noted that he wants them "to follow a plan and be consistent with the goals of this department."

Since becoming the Montgomery chief in November 1976, di Grazia has approved less than a dozen promotions. His aides noted that the chief's reluctance to give the go-ahead on new promotional exams is due in part to allegations of cheating on previous tests.

Di Grazia blamed the county's Personnel Board for the delay, explaining that he does not want to take a "Band-Aid approach" to promotions before the board acts on a new department plan for radical changes in job descriptions and promotions. He added that the plan was devised with input from the FOP and that it has been in the board's hands since last March.

"Why rake it out on me because the Personnel Board hasn't acted?" he demanded.

Although di Grazia charged at his news conference that the FOP's complaints were politically motivated, it was not until four days later that the situation was acutely brought into the political arena. At that time, State Senator Charles Gilchrist, a Democratic candidate for Montgomery County executive, charged that the chief had downgraded the traditional law enforcement role of his officers.

In releasing his public safety platform, Gilchrist noted that "we have overdone it" in modernizing the police department, citing "disturbing morale" problems as one result of the trend.

While he did not directly say that he

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# NewsBriefs . . . NewsBriefs . . . NewsBriefs

## Blacks lose, women win in Virginia discrimination suit

An affirmative action suit brought by the Justice Department against the Virginia State Police resulted in a split decision recently when a Federal judge ruled that the police agency did not discriminate against blacks in hiring and promotions but that it had discriminated against women.

Virginia Attorney General J. Marshall Coleman called the ruling by U.S. District Judge D. Dorch Warriner "a complete victory for the state," apparently alluding to the fact that Virginia officials did not contest the allegations of employment prejudice against women.

The state had actively fought the racial discrimination charge, however, and both former governor Mills E. Goodwin and his successor, Governor John N. Dalton, had repeatedly rejected Justice Department pressure to settle the suit out of court.

When the legal action was initiated, the state had 11 blacks and no women among its 1,112-member force. It currently employs 31 blacks and seven female troopers, according to a state official.

In deciding in favor of the state in regard to the racial portion of the suit, Judge Warriner indicated that the Justice Department had failed to substantiate its charges with a reasonable amount of solid evidence. "Thus the fact that the evidence is in fact so scarce weighs heavily with the court," he wrote. "The inability to glean more than this from a record which is no less than five feet thick bolsters the court's view that the Virginia State Police have not engaged in a pattern or practice of purposeful racial discrimination...."

The Justice Department had specifically charged the state police with such discriminatory practices as allowing white police investigators to pry into the sexual habits of black applicants and coding the application forms of blacks.

## Prosecutor offices employed 60,000 in 1976, survey finds

The nation's 9,155 state and local criminal prosecution and civil attorney agencies employed approximately 60,000 persons, including 29,157 lawyers, in September, 1976, according to an LEAA survey.

Conducted by the Bureau of the Census for LEAA's planned prosecution and legal services statistical program, the study for the first time provided the number and types of employees in prosecution and civil attorney agencies, sources of agency funding, types of cases prosecuted, and agency jurisdiction.

Seven percent of the organizations surveyed were state systems, 31 percent were county agencies and 62 percent were municipal or township offices; employment, however, was fairly evenly distributed among all three. The state units employed 33 percent of all personnel, county agencies accounted for 39 percent and municipalities and townships utilized 28 percent of the workforce.

Regarding the manner of payment to public lawyers, the report said that 89 percent of the states and 82 percent of the counties compensate their attorneys only through salaries, while 53 percent of the localities utilize salary payment, 32 percent pay through fees, 11 percent through both methods, and 4 percent by other arrangements.

Although local and county agencies generally have no restrictions against employees engaging in private law practice, the survey noted that 56 percent of the

state units prohibit their elected or appointed attorneys from private practice, and 43 percent of the state agencies enjoin their staff lawyers from practicing outside their auspices.

Copies of the report, entitled "State and Local Prosecution and Civil Attorney Systems," can be obtained by writing: National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

## Connecticut State Police head retires in a political storm

The beleaguered head of the Connecticut State Police, Commissioner Edward Leonard, stepped down from his post last month in the wake of a number of public challenges to his administrative integrity.

Although Leonard cited health reasons for his sudden retirement, he implied that his departure may have been prompted by political interference in his department. He told reporters that he had tried to "take the police out of the political arena," but that the department had "been brought into politics, so to speak."

According to the New York Times, the commissioner has been beset by harsh criticism during his three-year tenure, most recently for his part in a state police probe of corruption in the Stamford Police Department and for the appointment to the state force of a politician's son who had failed the department's regular tests.

Only a week before Leonard had announced his retirement, two state representatives from Stamford had called for the commissioner's resignation, citing his role in the investigation of alleged Stamford police corruption, which is being examined by a one-man grand jury.

However, Leonard denied that the grand jury probe or any other controversy had anything to do with his decision to step down. "I've been accused of many things, political skulduggery, corruption and everything else," he said. "In the future you're going to find out these stories are not so."

The 5-year-old commissioner said that he wanted to spend more time with his family and that his health was suffering, noting that his blood-pressure problems and dizzy spells were his main reason for retiring. The retirement officially takes effect on January 1, but Leonard plans to leave office on August 25 to take advantage of the leave time he has built up during his 25 years with the force.

## Defendants fault defenders in criminal court survey

Public defender offices received low marks from criminal defendants participating in an LEAA-funded survey, with almost half of those polled shortly after their arrest charging that their court-appointed attorneys were "on the side of the state."

Based on interviews with 812 male defendants in Phoenix, Baltimore and Detroit, the Stanford University study found that 49 percent of public defender clients reported spending less than 10 minutes in consultation. Meanwhile, almost half of the defendants who had retained private counsel noted that they spent more than three hours with their attorneys discussing their cases.

The defendants' skepticism with the free legal service is apparently unfounded. The report observed that increased time spent with a lawyer did not appear to be directly associated with more favorable case disposition, and it found no great difference between case dispositions and sentences of defendants with private lawyers and those served by public defenders.

The \$218,460 study discovered another major reason for the defendants' lack of confidence in the public defender system in addition to the time factor. One man told the research team that "you get what you pay for. A private lawyer tries to get off so he'll get paid."

Among convicted defendants, the study found, those who went to trial were more satisfied with their attorneys than were those who pleaded guilty.

A majority of the defendants polled expressed positive attitudes toward judges, noting that the jurists "listen to all sides in a case, are honest with defendants and their lawyers, are not out to get defendants and do not want to see all defendants punished as heavily as possible."

Copies of the 177-page report, entitled "Criminal Courts: The Defendant's Perspective," can be obtained for \$3.50 by writing: Superintendent of Documents, Government Printing Office, Washington, DC 20402. A 15-page executive summary of the study is available for \$1.10.

## Women begin training for Georgia trooper positions

The Georgia State Patrol admitted four female trooper candidates to its basic training program last month as part of the agen-

cy's first effort to place women on patrol.

Public Safety Commissioner Colonel Herman Cofer said that the female recruits were selected to participate in the patrol's 16-week training school from a list of more than 60 women applicants. "Until two years ago we could not legally hire women as troopers," Cofer noted. "At our request, the legislature changed the working of the law and we have, since that time, been studying methods of making women a full-fledged part of our organization."

Although the patrol has had to make some minor changes in its training program to "account for the normal biological differences in males and females," Cofer stated that once the women complete the course they will be assigned to the same duties as their male counterparts.

The state patrol has been employing women in non-enforcement positions for the past seven years, and one of the trooper cadets, Mary N. Arrington, has been a communications officer with the force since 1973.

Two of the other candidates also have previous law enforcement experience. Ira N. Koran was an Atlanta police officer, and Nancy Pickett served as a detective with the Clark County, Georgia police. The fourth female recruit, Francis V. Bennett, worked for the Forsyth County Agricultural Extension Service.

## Shock stick is zapped by Philadelphia police

Police in Philadelphia recently abandoned a plan to field test an electronic nightstick that is capable of prodding uncooperative suspects with a 5,000-volt charge.

According to the Associated Press, Police Commissioner Joseph O'Neill cancelled the experiment because he had been convinced that police use of the device, called the JSI Persuader, might be dangerous.

"We don't know what would happen if two or three officers used them at the same time on someone who might have a heart problem," he noted.

Last month, the police had planned to test 20 of the weapons which have a flashlight at one end and a charge-producing device at the other. The electronic batons cost \$80 to \$100 each and are currently used by about 80 police departments across the nation. They have been banned in Chicago and New York. In Philadelphia, a number of community groups had protested the use of the baton.

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## National victim aid program to cost \$261 million, study says

A Federally-funded study has placed a \$261 million price tag on a national program that would compensate the victims of violent crime or their survivors.

The estimated annual cost would cover an average \$5,000 payment to the families of homicide victims as well as unlimited payments to absorb unreimbursed medical expenses and lose earnings of surviving crime victims, according to LEAA, which financed the research.

The \$12,000 feasibility study was conducted by the Criminal Research Center in Albany, New York, using data gathered in LEAA's 1974 National Crime Survey and the FBI's Uniform Crime Reports. The researchers examined 135,000 U.S. Bureau of Census interviews from the crime survey to arrive at the estimated figure.

Commenting on what he called the "surprising low cost" of a national victim compensation program, Acting LEAA Administrator James M.H. Gregg said that victims are infrequently injured or need medical attention as a result of criminal incidents. He added that most of those who are injured incur relatively low medical costs.

"The amounts necessary to compensate crime victims are surprisingly low and cause one to believe that such a program is realistic," he said. "The crime victim is very often a 'forgotten person,' and although the report shows that victim losses are generally minimal, it is often those who can least afford it who are crime victims."

In examining the nearly six million crimes in 1974 that involved direct victim-offender confrontation, the researchers found that only 10 percent of the victims required medical attention and 7 percent required hospital treatment.

Out of that total only 13 percent incurred any unreimbursed medical expenses,

and 75 percent of these incurred out-of-pocket expenses of less than \$100, while only 10 percent had to pay more than \$250 in medical bills, the report said.

The \$261 million annual program cost was based on a "no-minimum-loss" criteria in regard to medical and salary reimbursement. However, the researchers also came up with a lower estimate of \$174.3 million, using a "moderate" criteria of at least \$50 in unreimbursed medical expenses and more than five unreimbursed days lost from work. Both figures include a \$5,000 homicide payment to 15,862 families.

Noting that 18 states had enacted "fairly encompassing victim compensation programs" as of 1976, the report observed that during the past decade "the idea of providing assistance to innocent victims of crime has blossomed."

The study utilized the eligibility criteria of typical state compensation programs to arrive at its cost estimates. Virtually all of the existing programs limit compensation to victims of violent crime who are injured or killed, and as a result the survey considered only the crimes of homicide, rape, robbery, assault, and larceny from the person.

The estimates included such state-funded items as unreimbursed medical costs, loss of earnings, loss of support to dependents, and funeral and burial expenses, but did not take into account reimbursement for psychological and vocational rehabilitation or "pain and suffering."

Copies of the report, which is entitled "Compensating Victims of Violent Crime: Potential Costs and Coverage of a National Program," are available from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

## Black officers in Dayton accused of hiring exam fraud

A U.S. Civil Service Commission probe of police hiring practices in Dayton, Ohio has uncovered a 1975 entrance exam cheating scheme which involved almost half of the city's black officers and which was allegedly condoned by the head of the police department.

According to the Washington Post, a 145-page report, released last month by two civil service investigators who were on loan to Dayton, charged that the black officers involved had viewed copies of the hiring test before taking the examination.

In addition, the document cited numerous other instances of apparent civil service test fraud between June and December 1975, a time when Dayton was taking an active minority recruitment stance.

Although Police Director Grover W. O'Connor has denied taking part in the scandal, the report noted that he "could not but help to have [had] knowledge" of the cheating because his subordinates had reported instances of wrongdoing directly to him.

City commissioners had ordered the investigation three months ago when civil service examiner Theodore W. Thompson charged that the police department engaged in hiring irregularities and was involved in narcotics transactions.

Thompson had made the allegations while he was being questioned last May in regard to his part in a robbery-slaying. He was found hanged in his jail cell a few days after the interrogation, and the death was subsequently ruled a suicide by a county coroner.

The Civil Service Commission's report apparently supports a number of Thompson's charges. It said polygraph tests indicated that at least 20 of the city's

black police officers lied when asked if they had seen advance copies of the entrance examination.

Other evidence uncovered by the probe revealed that sections of a sergeant's promotion test had been previewed in condensed form by certain black officers. "The sad irony is that many of those persons availing themselves of such 'help' may well have been qualified without it," the Federal investigators stated.

Commenting on the findings, City Manager James A. Alloway noted that it was "too premature" to determine what action would be taken, but he noted that a special task force of attorneys would be organized to examine the investigators' documentation.

City Commissioner Richard A. Zimmer seemed more definite about the outcome, noting that some city employees would be disciplined or discharged as a result of the information contained in the report.

## FBI to be exempted from President Carter's Civil Service reform

The Carter Administration has backed down from a plan that would have included FBI personnel in a bill that proposes sweeping reforms of the Civil Service.

According to the New York Times, the White House last month decided to drop the FBI provision from the proposed legislation to give the measure a better chance of passage. House Judiciary committee chairman Peter Rodino (D-New Jersey) and other key Congressmen, along with Attorney General Griffin B. Bell and FBI Director William H. Webster, have argued that granting agents the same protections as other civil servants would undermine the bureau's discipline and independence.

The measure's chief proponent in the House, Representative Morris K. Udall (D-Arizona), noted that although no formal decision had been made on excluding bureau employees from the Civil Service, something could be worked out "with those who would support such a move."

President Carter has described the reform bill as the "cornerstone" of his attempt to streamline the Federal bureaucracy. The legislation is designed to broaden the criteria for hiring and firing 2.8 million government employees, and it would set up a Senior Executive Service mechanism whereby top level managers would be entitled to bonuses instead of automatic advancement in the system.

The President has sought to have top FBI managers included in the measure's Senior Executive Service clause, but he has already agreed to exempt the bulk of the bureau's employees from the bill's provisions.

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C-1401	Chief Investigator . . . . .	10.00	C-22S6	Police Dispatcher. . . . .	.800	C-1060	Special Agent FBI. . . . .	10.00
C-1179	Chief Marshall. . . . .	10.00	C-1939	Police Officer. . . . .	.600	C-748	Special Investigations Inspector . . . . .	8.00
C-2148	Chief of Police . . . . .	10.00	C-17SS	Police Officer, Nassau County Police Dept. (NCPD). . . . .	.800	C-749	Special Officer . . . . .	6.00
C-1181	Chief Police Surgeon . . . . .	13.9S	C-1739	Police Officer, New York Police Dept. (NYPD) . . . . .	.800	C-1692	State Policewoman . . . . .	6.00
C-118S	Chief Security Officer . . . . .	10.00	C-1741	Police Officer, Suffolk County Police Dept. (SCPD) . . . . .	.800	C-757	State Trooper. . . . .	6.00
C-1203	Commissioner of Correction . . . . .	10.00	C-S9S	Police Patrolman. . . . .	.600	C-1744	Superintendent of Women's Prisons . . . . .	10.00
C-1200	Commissioner of Police . . . . .	10.00	C-S96	Police Surgeon . . . . .	10.00	C-1703	Supervising Campus Security Officer . . . . .	8.00
C-1767	Coordinator of Drug Abuse Educational Programs. . . . .	10.00	C-S97	Police Trainee. . . . .	.600	C-1503	Supervising Court Officer . . . . .	8.00
C-16S	Correction Captain . . . . .	10.00	C-S98	Policewoman . . . . .	.600	C-1666	Supervising Deputy Sheriff . . . . .	8.00
C-956a	Correction Hospital Officer (Men) . . . . .	8.00	C-1791	Principal Investigator . . . . .	.800	C-1667	Supervising Housing Sergeant . . . . .	8.00
C-9S6b	Correction Hospital Officer (Women) . . . . .	8.00	C-1427	Principal Probation Officer . . . . .	.800	C-2106	Supervising Investigator . . . . .	8.00
C-166	Correction Lieutenant . . . . .	10.00	C-22S9	Principal Program Specialist (Correction) . . . . .	10.00	C-2299	Supervising Professional Conduct Investigator . . . . .	10.00
C-1219	Correction Matron. . . . .	6.00	C-618	Prison Guard . . . . .	.600	C-1766	Supervising Special Officer . . . . .	8.00
C-167	Correction Officer (Men) . . . . .	6.00	C-1981	Probation Counselor . . . . .	.800	C-1689	Traffic and Park Officer . . . . .	6.00
C-168	Correction Officer (Women) . . . . .	6.00	C-980	Probation Consultant . . . . .	.800	C-819	Transit Captain . . . . .	10.00
C-9S7	Correction Officer Trainee . . . . .	6.00	C-2266	Probation Director. . . . .	10.00	C-820	Transit Lieutenant. . . . .	10.00
C-169	Correction Sergeant. . . . .	8.00	C-1428	Probation Employment Officer . . . . .	.800	C-821	Transit Patrolman . . . . .	6.00
C-9S8a	Correction Youth Camp Officer (Men) . . . . .	8.00	C-981	Probation Investigator . . . . .	.800	C-822	Transit Sergeant . . . . .	8.00
C-958b	Correction Youth Camp Officer (Women) . . . . .	8.00	C-619	Probation Officer . . . . .	.800	C-823	Treasury Enforcement Agent . . . . .	8.00
C-9S9	Correctional Treatment Specialist . . . . .	8.00	C-1429	Probation Officer Trainee. . . . .	.600	C-8S2	Uniformed Court Officer . . . . .	8.00
C-966	Court Officer. . . . .	8.00	C-2262	Probation Supervisor . . . . .	.800	C-853	United States Marshal. . . . .	8.00
C-1229	Criminal Investigator . . . . .	8.00	C-1828	Probation Supervisor I . . . . .	.800	C-1989	United States Park Police Officer . . . . .	6.00
C-969	Criminal Law Investigator. . . . .	8.00				C-894	Warden . . . . .	10.00
C-177	Customs Inspector. . . . .	8.00				C-891	Watchman . . . . .	6.00
C-1611	Customs Security Officer (Sky Marshall) . . . . .	6.00						
C-1239	Deputy Chief Marshal. . . . .	8.00						
C-2263	Deputy Probation Director . . . . .	10.00						
C-1900	Deputy Probation Director IV . . . . .	10.00						
C-204	Deputy Sheriff . . . . .	8.00						
C-1763	Deputy Superintendent of Women's Prisons . . . . .	10.00						
C-1620	Deputy United States Marshal . . . . .	8.00						
C-1762	Deputy Warden. . . . .	10.00						
C-1247	Detective Investigator. . . . .	8.00						
C-1260	Drug Abuse Group Worker . . . . .	8.00						
C-1405	Drug Abuse Technician. . . . .	8.00						
C-2S1	Federal Guard. . . . .	6.00						
C-1612	Federal Protective Officer . . . . .	6.00						
C-128S	Field Investigator . . . . .	8.00						
C-2SS	Fingerprint Technician. . . . .	8.00						
C-286	Fingerprint Technician Trainee . . . . .	6.00						
C-281	Forest Ranger. . . . .	8.00						
C-304	Guard Patrolman. . . . .	6.00						
C-353	Hospital Security Officer . . . . .	6.00						
C-332	Housing Captain . . . . .	10.00						
C-338	Housing Guard . . . . .	6.00						
C-340	Housing Lieutenant . . . . .	10.00						
C-242	Housing Patrolman . . . . .	6.00						

# Supreme Court Briefs

Following are summaries of recent actions of the United States Supreme Court that affect law enforcement and criminal justice.

By AVERY ELI OKIN

## Capital Punishment

Chief Justice Burger and a divided Supreme Court dealt another victory to proponents of the abolition of the death penalty in its declaration that an Ohio statute that provided for a mandatory death penalty was a violation of both the Eighth and Fourteenth Amendments. The state law had designated the death penalty "as the punishment for 'aggravated murder with specifications' unless the defendant succeeds in showing the existence of one or more of three narrowly defined mitigating circumstances."

Under the invalidated law, a sentence of death was precluded only when the sentencing judge reviewed the "nature and circumstances of the offense and the history, character, and condition of the offender," and found that "(1) the victim induced or facilitated the offense; (2) it is unlikely that the offense would have been committed but for the fact that the offender was under duress, coercion, or strong provocation; or (3) the offense was primarily the product of the offender's psychosis or mental deficiency."

"Under the Ohio death penalty statute," Justice Marshall concluded in a concurring opinion, "this 21-year-old Negro woman was sentenced to death for a killing that she did not actually commit or intend to commit." The challenge to the constitutionality of the Ohio law was entered specifically because the judge was not permitted "to consider, as mitigating factors, her character, prior record, age, lack of specific intent to cause death, and her relatively minor part in the crime."

The opinion of the Court clearly stated that "the Ohio death penalty statute does not permit the type of individualized consideration of mitigating factors we now hold to be required by the Eighth and Fourteenth Amendments in capital cases." The Court noted that in *Woodson v. North Carolina*, 428 U.S. 280 (1976) it was established that: "in capital cases the fundamental respect for humanity underlying the Eighth Amendment . . . requires consideration of the character and record of the individual offender and the circumstances of the particular offense as a constitutionally indispensable part of the process of inflicting the penalty of death."

Justices Stewart, Powell and Stevens joined the Chief Justice in acknowledging the fact of "the nonavailability of corrective or modifying mechanisms with respect to an executed capital sentence" which "underscores the need for individualized consideration as a constitutional requirement in imposing the death sentence."

Rejecting the Court's argument, Justice White dissented, noting: "I continue to be of the view. . .that it does not violate the Eighth Amendment for a State to impose the death penalty on a mandatory basis when the defendant has been found guilty beyond a reasonable doubt of committing a deliberate, unjustified killing. Moreover, I greatly fear that the effect of the Court's decision today will be to constitutionally compel a restoration of the state of affairs at the time of *Furman v. Georgia*, 408 U.S. 238 (1972)] was decided, where the death penalty is imposed erratically and the threat of execution is so attenuated for

even the most atrocious murders that its imposition would then be the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes."

Only Justice Marshall, an acknowledged liberal, advocated that "the death penalty is under all circumstances a cruel and unusual punishment prohibited by the Eighth Amendment." Following up on Justice White's arguments, on the other hand, the staunchly conservative Justice Rehnquist noted that "approximately half of the States 'have not legislatively foreclosed the possibility of imposing the death penalty upon one who did not intend to cause death.'" Justice Blackmun attempted to weaken the conservative position by noting that "of 34 States that now have capital statutes, 18 specify that a minor degree of participation in a homicide may be considered by the sentencing authority, and, of the remaining 16 States, nine allow consideration of any mitigating factor."

Justice Brennan did not take part in the consideration or decision of the case. (*Lockett v. Ohio*, No. 76-6997, announced July 3, 1978.)

\* \* \*

Maintaining the tradition of the Supreme Court of providing a prototype case to illustrate the extreme circumstances that may arise when a potentially landmark criminal justice decision is implemented, the Chief Justice announced a companion decision which lends support to the Court's action of declaring the Ohio mandatory death penalty statute unconstitutional.

In the fall of 1974, a 16-year-old named Bell and his 18-year-old friend Hall left a youth center in Cincinnati. The older male after obtaining his family's car went with his young companion for a ride. The pair followed a 64-year-old man into a garage where Hall, armed with a sawed off shotgun, kidnapped the old man and took him to a nearby cemetery.

Hall marched the old man "into a forested area to the rear of the cemetery out of Bell's sight," whereupon Bell heard the man plead "for his life and heard a gunshot". The gun was reloaded in Bell's presence and a second shot was fired. The old man was later found in the cemetery with two bullet wounds in his head, and he subsequently died on the way to the hospital.

After the youths were apprehended, a presence investigation and psychiatric examination was conducted on Bell. The psychiatrists found that none of the three mitigating circumstances outlined in the Ohio statute to prevent the imposition of the death penalty sentence were present.

The presentence report uncovered that "Bell had accused Bell of actually firing the shotgun." Additionally, Bell was described as having "low average or dull normal intellectual capacity," and the report "noted that Bell had been cited in juvenile court for a series of prior offenses and had allegedly been using mescaline on the night of the offense."

In declaring the Ohio statute unconstitutional, the justices divided along the same lines as they had in *Lockett*, and Justice Brennan again took no part in the consideration of the case. (*Bell v. Ohio*, No. 76-6513, announced July 3, 1978.)

## Study finds 'dismal' 1.6% conviction rate in rape cases

A "dismally low" percentage of rape complaints result in the conviction of an assailant, according to a recently released five-city study which found that only one rape complaint in four leads to an arrest and only one in 60 results in a conviction.

In two of the cities surveyed, Seattle, Washington and Kansas City, Missouri, criminal cases were prepared on 167 suspects out of a total of 635 rape complaints. Prosecutors brought rape or attempted rape charges against the alleged assailants in only 45 of the cases, 32 of these went to court, and only 10 defendants were convicted of rape or attempted rape, the report said.

Conducted by the Battelle Law of Justice Study Center under a \$600,000 LEAA grant, the study examined 12 prosecutors' offices, nine police departments and five victim assistance centers. The researchers also surveyed other law enforcement agencies and prosecutors' offices, analyzed crime statistics, and interviewed patrol officers, sex crime investigators, prosecutors, rape victims, and convicted rapists.

"Our goal was to help police and prosecutors devise more effective ways of responding to the crime of rape," Project Director Donna Schram said. "It is the most underreported crime in the country."

Schram noted that while victimization surveys suggest that 250,000 rapes are committed annually in the United States, only 56,000 incidents are reported to the police. "If we improve the way victims are treated and the way their cases are handled, it seems likely that more women will report," she added.

The study's five-city sampling indicated that even when a women reports a rape, the chances of her assailant being arrested for the crime are relatively small. The arrest rate was 20 percent in Detroit, 22 percent in Seattle, 25 percent in Phoenix, 26 percent in Kansas City, and 36 percent in New Orleans.

A seven-locality sampling of 65 prosecutors, which was included in the overall research, revealed that on the average the public attorneys prosecuted only 4.5 rape cases in their careers and averaged 2.5 convictions. "Until this record improves, it is unlikely that most victims will feel satisfied with the handling of their cases," the report said.

In a related finding, the study discovered that 68 percent of the prosecutors surveyed would not volunteer to specialize in rape prosecutions. Many responded by describing rape prosecutions as "frustrating," "too emotional," or "not good for one's career."

To remedy the situation, the prosecutors recommended three legislative changes, calling for the implementation of legal procedures that would limit the admissibility of a victim's prior sexual history as evidence, the provision of mandatory minimum sentences for convicted rapists, and the establishment of two or more degrees of rape.

A number of rape victims interviewed were apparently afraid of the consequences of becoming involved in a prosecutorial action. More than half of a sampling of 29 victims who chose not to notify the authorities said that they did not report the crime because they feared how they might be treated by police or prosecutors. "It seems ironic that it is the victim, not the offender, who is often deterred by fear of the criminal justice system," the report noted.

Interviews with 251 patrol officers and 86 sex crime investigators indicated that almost every police agency considers rape to be a high-priority crime and quickly dispatches officers to the scene. The researchers found that 48 percent of the officers reached the scene of their last rape case in less than three minutes and 47 percent arrived in three to 10 minutes. The remainder took more than 10 minutes to respond and fewer than one percent said it took thirty minutes or more.

Suggesting one area in which police performance might be improved, the officers said that dispatchers should ask the rape victim for more detailed information about the assailant and should tell the responding officer how much time has elapsed since the crime.

In another recommendation, both patrol officers and sex crime detectives said they would prefer that initial and follow-up investigations of rape cases be handled entirely by the sex crime investigators and evidence technicians.

The report's general analysis of 1,200 rape complaints revealed that one-half of the rapes involved strangers; the majority of the women resisted; most victims reported the crime within six hours, and over half of the victims were under 21.

The report, entitled "Forcible Rape: Final Project Report," can be obtained by sending \$2.75 postpaid to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

## Montgomery police institute new firearms rules

The Montgomery County, Maryland Department of Police recently revised its policy on the use of deadly force and firearms, shifting the focus of the guidelines to the immediate dangers of a situation rather than whether a felony has been committed.

In announcing the new departmental posture on July 31, Police Chief Robert J. di Grazia said that the revision was based on an extensive internal review of the force's 1971 firearms policy. The altered guidelines are more streamlined in nature, he added, noting that they are specifically designed to aid an officer in making "the most awesome decision in his or her career."

The general tone of the new Montgomery County deadly force position is set in two sentences. "An officer may use deadly force to defend himself/herself, or another person from what the officer perceives as an immediate threat of death or serious bodily injury," the guidelines state. "An officer may use deadly force to apprehend a fleeing felon only when the officer has probable cause to believe a violent crime has just occurred."

Specifically, the rules define a violent offense as murder, rape, first degree sexual assault, armed robbery, or assault with intent to murder, ravish or rob. They further specify that an officer must have more than a suspicion that such a crime has been committed and that a particular person has committed the offense before deadly force is employed.

Other provisions of the firearms rules ban the use of warning shots for police assistance and "discourage" the firing of weapons from or at a moving vehicle.

# Reaching the goal of maximum police efficiency

Despite the hundreds, even thousands, of studies and research projects consigning themselves to the police field, the rather stark truth is that not much has changed for the better in policing. In fact policing, which was and is searching so ardently for the label of professionalism, is now, with the on-coming strength of unionism, fighting for basic credibility and the search for professionalism is in a period of regression, even at the administrative level. Part of the problem facing policing today is that the so-called police experts have failed to paint a true picture of the situation, or at least did not paint that picture until after their pensions were secure. Witness Pat Murphy and his book, *Commissioner: A View from the Top of American Law Enforcement* as just one example.

To give an example of the failure to realize the truth of the situation, let's take a look at how the experts have treated the basic mechanics of policing. For years police experts have been hammering away at the word complex, leading even knowledgeable men to believe that the mechanics of policing are so complex as to require an educational

level somewhere between a B.S. and a Ph.D. to be a necessary requirement for getting the job done. In truth, however, the mechanics of policing are just not that complicated. The process — some call it a system — which formulates the parameters of the police officer's job function is fairly rigid and rarely lends itself to complexity. What complexity there is is initiated after the fact and is out of the police officer's purview of control via court actions. So the idea of policing being complex is simply not true; confusing maybe, but not complex, at least not from the police officer's vantage point. Now this is not meant to belittle or degrade the police job function, because even though the mechanics of policing are not that complex, it takes a certain type of individual to squeeze the maximum amount of efficiency and effectiveness out of a creaky, cranky, illogical happening which some have the audacity to call a criminal justice system. To further expound on this problem of "missing the target", let's take a look at police recruiting practices, the first step in aligning resources against the crime problem.

There is little argument that effective police/community relations efforts are the quickest route to effective policing. However, the arguments begin hot and heavy when the methods used to bring about this effective police/community amalgamation are discussed. There have been literally thousands of gallons of ink spilled on this subject, little of this ink addresses the most important element involved in this undertaking. Quite simply, what type of individual does it take to get the job done? Or, as University of Alabama football coach "Bear" Bryant said when asked which was more important in winning football games, coaching or recruiting, "You can't make chicken salad without the chicken." Now that the scouting reports are in, it's time for our police administrators to start asking the question, "Are our recruiting methods applicable to the job function?" Generally speaking, the answer is a resounding NO!

A general review of police recruiting practices shows that few police agencies seek the necessary character traits needed to fulfill the police mission. The bulk of the screening processes used in recruiting police officers demonstrates a rather cardboard reliance on basic intelligence and agility tests, with great emphasis put on education, especially at the college level. Relatively few police agencies seek applicants with character levels high in such areas as salesmanship and idealism, two most essential police qualities, the former needed to get along with and relate to people and the latter needed to insulate the individual from corruption and a very frustrating judicial system. In fact, few police administrators look for character traits at all, but would rather stick to the traditional mode of selecting police officers despite the little job relevance these methods contain.

By now, the "state of the art" should demand that police officer selection include a job profile which will encompass the character traits needed for the individual to deliver effective police service to the public. Psychological instruments have already been developed which can measure such character and personality traits and these instruments have demonstrated about an 85 percent validity rate, this validity increasing with chronological age. Applicants who cannot measure up to the necessary degree of essential character traits should be excluded from police service, even to the point of excluding those applicants with college backgrounds (already industry has used psychological testing for applicant selection). Of course, certain physical criteria must be maintained in conjunction with psychological and intelligence testing for police officer applicants, but even here physical testing should be both more appropriate and ongoing. In short, proper testing could exclude other job prerequisites such as formal education, i.e., high school grad, GED, et al, which have little job relevance, and should give a far better measurement of the applicant's job potential. Also, it should be noted that as a corollary of this method of selection there should be the active recruiting of people in the over-35-year-old age bracket for entry level police officer positions. The recruiting of people in this age group increases the validity of the testing and also could have the additional effect of diminishing administrative problems pursuant to such things as creating career paths and job enrichment programs, most of which are little more than expensive experiments in futility.

The concept and reinforcing illustrations used here have been developed in broad, general terms. However, the concept for hiring police officers by placing a strong reliance on personality/character traits and accepting older applicants in lieu of some of the more traditional job prerequisites is applicable and viable and can be tailored to specific situations. In fact, the adoption of this concept for entry level police officer positions could quite possibly, under a progressive, objective administrator, be translated not only into increased police efficiency, but also into tax dollars saved. This would be a welcome relief to already overburdened taxpayers, and should be cause enough for this concept to be seriously contemplated by responsible police administrators and community leaders.

Peripheral to this writing, it was very refreshing to read Bruce Swanton's comments concerning American policing, which were published in the July 4, 1978 issue of Law Enforcement News (page 3). Mr. Swanton's remarks ring with an undeniable truth, a truth which has been verified by research efforts conducted in this country but which was subsequently either buried or distorted by American police rhetoric.

Unquestionably, the resources are available to cope with the problems of the American criminal justice process. However, because of cronyism, egotism, greed and a general lack of courage among our political and criminal justice leaders, these resources have been squandered away, leaving the citizens with a criminal justice process that can claim the economic sustenance of those who labor within its confines as its only real achievement.

Indeed, with the growing movement toward public safety collective bargaining and with corollary capitulation to these demands on the part of our political leadership, the citizen should be forewarned that he may soon be at the mercy of those that claim to be his protectors and that he may be working for his public servants, not them for him.

## LEN AVAILABLE TO GROUPS

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### BURDEN'S BEAT

By ORDWAY P. BURDEN

## Enlisting senior citizens to stretch police budgets

Budgets are a problem for just about every police agency.

Facing cutbacks or at best minimal increases that don't keep up with inflation, many are struggling to maintain adequate police service.

There are no easy answers to the problem. But a few departments have found some measure of relief from the budget crunch by using senior citizens — most of them volunteers — to handle crime prevention work, communications, record-keeping, and crime analysis.

Perhaps the strongest advocate of this approach is George Sunderland, Director of Crime Prevention for the 12 million-member American Association of Retired Persons. "I believe police departments are moving more and more toward integration of non-sworn personnel to do the 85 percent of a policeman's job that doesn't involve crime," he said.

Sunderland, 63, retired six years ago as captain of the White House Police after more than 30 years in law enforcement. Thus, he knows whereof he speaks when he says, "The biggest problem is the reluctance of police officers to use older people in anything beyond the Neighborhood Watch program. Like people in all other occupational groups, police are a sort of closed society. Policemen resist — not in a hostile way — the integration of outsiders into police work. But I think that's changing."

He hopes to spur the change by expanding an experiment in San Diego into a national model. In that city a group of seven to fourteen senior citizens have been working in the police department's research and crime analysis program and in crime prevention, burglarproofing the homes of other elderly people. Their main duties have been to place crime reports into a computer file, thus helping police identify suspects through patterns of behavior. The senior citizens have been paid through grants from the Law Enforcement Assistance Administration (LEAA) and Comprehensive Employment and Training Act (CETA).

Says Sunderland, "There's a great need for this kind of work. Most police agencies have tremendous amounts of statistics, but very few have crime analysis." Next year he hopes to have similar crime analysis model programs, employing the elderly, in two other states. From that experience he plans to develop a training course and support materials that can be used by police agencies everywhere, but particularly in medium-sized communities.

Senior citizens are being used by police departments in a number of other communities. Perhaps the largest group of volunteers anywhere (not all of whom are seniors) is in Maricopa County, Arizona, which has Phoenix as its hub. There Sheriff Jerry Hill and Sergeant Don Blankenship have had as many as 3,200 volunteers on the rolls at a time, doing work in communications, crime prevention, traffic control, administration, and record-keeping.

Duval County, Florida also has an active volunteer force for patrolling waters and beaches and a group of motorcycling Shriners who furnish escort services for VIPs and parades. The small cities of Vancouver, Washington, and Mansfield, Ohio, have assigned elderly residents to crime prevention work.

So has Cottage Grove, Oregon, where Captain Paul Smith reports "fantastic acceptance by the people." The senior citizens program started there in 1975 in the wake of budget cuts and a rising crime rate. Six retired volunteers were trained in crime prevention by the city and state and then began helping other elderly people secure their homes by checking lights, locks, windows, and shrubbery heights. Said Smith, "It was so successful that we expanded it to include the whole population. And that was so successful that we added commercial establishments."

In 1976, Cottage Grove's burglary rate was down 23 percent, and in 1977 it dropped another 20 percent. At present only two of the original six seniors are still active, "but they're very active folks," Captain Smith said. "They're not supposed to work full-time, but they get so involved they're down here about 40 hours a week." One is a man, the other a woman, and both are barely on the sunny side of 70 years. Their uniform is a blazer with the city seal, and they use a car donated by a local dealer.

In our litigation-prone society, some police officials may be leery of enlisting elderly volunteers for police duties, but Sunderland says that so far no lawsuits have surfaced. Nevertheless, he cautions, "If you're considering volunteers, go first to your legal counsel to work out details about liability and insurance."

"But by all means consider them," he added. "Senior citizens aren't a police problem, they're a community resource."

(Ordway P. Burden writes correspondence to his office at 651 Colonial Blvd., Westwood P.O., Washington Township, NJ 07675.)

# CJ funding under the proposed Justice System Improvement Act

Last May, the AAPLE Board of Directors resolved that all members of the academy should be encouraged to submit short manuscripts concerning critical issues in law enforcement for possible inclusion in this regular column. The following article by Arthur Randall is the first to be published under the new policy. Randall is the executive director of the Criminal Justice Coordinating Council of Nassau County, New York, and he serves as an adjunct professor of criminal justice at C.W. Post College. A graduate of the NYU School of Law, Randall served for 15 years as an assistant district attorney.

The Crime Control Act of 1973, originally titled "Omnibus Crime Control and Safe Streets Act of 1968", was reauthorized in 1976. Through the Crime Control Act, which is administered by the Law Enforcement Assistance Administration, funds flow to localities through block grants made to the states, which in turn make project-by-project funding allocations. This act has provided a flow of funds to localities for the purposes of improving crime control through innovations in criminal justice procedures. Over the nine-year period that this act has been in effect, an estimated \$6 billion has been distributed to Federal, state and local criminal justice agencies.

In the early stages of funding through the Crime Control Act, funds flowed freely, and with few guidelines, rules or planning requirements from the Federal or state governments. This resulted, in many cases, in the now often-criticized practice of investing large amounts of money in police equipment such as helicopters, patrol cars, radios and related materials. While these types of expenditures were warranted in many localities, this overall trend in funding yielded little impact on the crime problem.

Two reactions seem to have set in as a result of both the allegedly irresponsible expenditures of the early years and the presumed recent ineffectiveness of crime control procedures. The first has been the denigration of the entire crime control effort, in light of the ineffectiveness of the large amounts of funding and planning that have taken place to date. The second response has been to tighten up Federal and state rules, guidelines and plans, to move narrowly defined crime control efforts around demonstrable results.

The problem with these moves is one which is inherent in any Federally-initiated funding program. As originally conceived, the Crime Control Act was to give resources to localities for meeting crime problems. However, in the early years of the act's existence, few localities were ready to take on the sophisticated job of examining the local criminal justice process and the factors contributing to crime in their communities. For instance, it was only in 1975 that concrete and mandatory Federal and state guidelines as to the composition of local planning documents were promulgated. In addition, the methodologies of planning for crime problem intervention are far from being established professional procedures.

It is with these concepts in mind that a critical examination of some pertinent sections of President Carter's proposal to organize and reauthorize the Omnibus Crime Control and Safe Streets Act of 1968 is in order.

Those changes which are of primary significance at the national level include the separation of the research and statistics functions from the grants function and the establishment of a new grant category, "National Priority Grants."

Under the first of these changes, LEAA would continue to be responsible for granting criminal justice improvement funds and overseeing the expenditure of same, but separate organizations would be established to carry out the research and statistical functions now within LEAA (a National Institute of Justice for research and evaluation and a Bureau of Justice Statistics for data gathering and processing). All three organizations would now fall under a newly-created Office of Justice Assistance, Research and Statistics within the Department of Justice.

The new funding program for National Priority Grants will be allocated 20 percent of the total funds reserved under this Act for any year. The purpose of these funds would be to encourage the implementation of successful concepts, as demonstrated by research and evaluation. The funds under this program would be matched 50-50 by the localities, with the localities permitted to use their block grant funds for matching purposes.

The most significant portion of the new legislation is the "Part D-Formular Grants" section. In essence, this section continues the grant program, although with a number of major changes. The first of these would stipulate that all major localities with a population greater than 250,000 would be granted an entitlement against the state's share of funds. This entitlement would be determined by the Federal government according to a complex formula which takes into account such variables as relative population, relative tax index crimes, relative criminal justice expenditures from own sources and relative tax effort.

The funds would be used to develop innovative programs to improve operations within the criminal justice system. The proposed legislation greatly restricts how the funds may be spent, including stringent limitations on the purchase of equipment and hardware, a virtual ban on construction projects, and a complete ban on the payment of general salary increases. While earmarking has been greatly reduced, the bill does mandate that 19.15 percent of the Part D funds be used for programs of juvenile justice. No further earmarking is presently included, the bill trying to encourage that all areas of criminal justice be addressed.

The proposed legislation eliminates the need to submit yearly comprehensive plans to qualify for funds. Instead, each state and entitled locality will be required to submit a three-year application, with annual updates. The application must include an analysis of crime problems and criminal justice needs; a description of services, performance goals and priorities; a statement as to how the projects would advance programmatic goals and a description of relationships to other state and local programs. In addition, the applicants must submit assurances as to progress reporting, performance evaluation, certification of various use restrictions (such as supplanting), and provision of all information necessary to monitor, audit, evaluate and otherwise report on all projects funded. The updates would cover projects not originally listed in the application and progress reports on projects already funded. Thus, while no formal plan is called for, the content requirements of the application effectively insure that a viable planning process would be continued.

The local application would then be reviewed by both the local and state criminal

justice councils. The state review would simply require that all proposals be lawful and that all regulations pertaining to the program are complied with. If a dispute arose between an entitled locality and the state concerning the locality's application, that dispute would be settled by arbitration.

Another major change in this bill concerns matching requirements. Under the act, all matching requirements for operating grants would be eliminated, except for National Priority Grants, which could be matched with block funds. However, all funds used for administration — the bill requires that an organization be established in all entitlement localities to process the funding application and individual grant process — would have to be matched 50-50 by hard dollars above the first \$25,000. In addition, the bill limits the amount of funds which may be used for administration to 7.5 percent of the total entitlement.

The bill provides strict guidelines on the make-up of the criminal justice advisory boards and the relationship of the boards to application submission. The representation requirements mandate broad membership from various components of the criminal and juvenile justice systems, as well as representation of neighborhood and community-based organizations. In addition, such groups must be fully consulted during application development, through such means as public hearings and the solicitation of comments on the application's content.

The cumulative effect of these changes will in all likelihood be the simplification of the application and grant administration process as it applies to individual projects. Granted, locality's application to obtain its entitlement would become more complex, and a whole new set of administrative procedures would have to be instituted so as to ensure proper paperwork flow. Nonetheless, the end result should be a reduction in application and grant administration paperwork, with a consequent speed-up in the flow of funds and, hopefully, a reduction in bureaucratic red tape.

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# Reshaping New York City's jail system

## An interview with Commissioner William Ciuros Jr. of the New York City Department of Correction

William Ciuros Jr. became commissioner of New York City's Department of Correction earlier this year after serving as deputy commissioner of correctional facilities for the New York State Department of Correctional Services.

He began his correctional career in 1956 as an officer assigned to New York State's Green Haven Prison and served in a similar capacity at the Elmira Reformatory. In 1968, he was promoted to sergeant and was transferred to the state's Woodborne Rehabilitation Center.

After a three-year assignment at Elmira, Ciuros attained the rank of lieutenant, and he was sent to the state's central office, where he designed and taught training programs for correctional services staff. He returned to Elmira in 1974, when he was named deputy superintendent of the correctional facility there. A year later, he was appointed deputy commissioner of program services, a post that entailed planning and directing educational programs throughout the state.

This interview was conducted for Law Enforcement News by Peter Dodenhoff.

**LEN:** When you first announced the appointment of your deputy commissioners, whom you stated would be co-equal in their authority, you said, "These appointments are the first step in a major reorganization of the executive staff and command structure of the New York City Department of Correction. Management accountability is a key phrase that my staff will hear stressed again and again." Up until now, what's been the nature of this reorganization?

**CIUROS:** I think everything that we had planned when we started this new administration in January is pretty well on schedule. We do have four people in deputy commissioner level positions; that includes the deputy commissioner for management and administrative services, the deputy commissioner for program services — that's inmate program services — our chief of operations, and our new position of general counsel in the department, which never existed before. These people have equal rank and authority in terms of the hierarchy of this department.

Traditionally, they had one person right under the commissioner who was known as the first deputy commissioner. Under that person they had a deputy commissioner, then scattered throughout they had directors and one assistant commissioner, and so on down the line. It was a vertical structure with the emphasis on security. Consequently, the area of legal affairs, as it was known at that



William Ciuros Jr.

vices is the second female occupying the position of deputy commissioner in the history of this department. She is responsible for all of the service functions: personnel, budget, maintenance, both of vehicles and buildings, and labor relations, training, and those kinds of things in the organization. She has an assistant commissioner under her who is in charge of support operations. And then under that structure, you have directors of personnel, budget, labor relations, and those kinds of things.

Under the Deputy Commissioner for Program Services, which was sorely lacking in this department, there's a whole new thrust, including our recent move to Rikers Island from the Central Office and Central Office staff; we put the staff where the action is. Five-sevenths of our population is on Rikers Island. Under that deputy commissioner we have two assistant commissioners, one for internal delivery services for inmate programs and one for community services. The assistant commissioner for community services, who is also a female, deals with chaplains, ministerial services, volunteer services, making ties with the community in terms of family, and those types of things. She gets donations and assistance from the

### 'Warden's are very important people, they make a hell of a lot of money, and they have a very tough job. But what they were doing was just bucking everything upstairs.'

time, just got backlogged with all kinds of lawsuits, writs, and those kinds of things, and it was just dysfunctional, the whole structure was dysfunctional. In this business, with legal rights and inmates' conditions of confinement, labor negotiations, terms and conditions of employment, it's just a legal-type business. We've developed a whole new section and that's under Mark Rosen, our general counsel. In that unit we also now will have a conditions of confinement unit. We will be able to focus primarily on conditions of confinement and that shop will be responsible for coordinating our relationship with the Board of Corrections, with the Corrections Commission, with all of the outside organizations, including the courts, who set standards for conditions of confinement. But these are the early warning signals to us to get on top of these things before we wind up with a lawsuit.

**LEN:** This new unit will be responsible for seeing that, for example, court-mandated improvements are put into practice.

**CIUROS:** It gives us a monitoring capability of our own so that these people report to the general counsel and myself so that I have the capability of making sure that as you say, that these things are being adhered to.

In terms of the rest of our reorganization, the Deputy Commissioner for Management and Administrative Ser-

community, and establishes relationships with the community and the families. The other assistant commissioner deals with the education programs, both vocational and academic, work release programs, and those kinds of things. It's in-house vocational training, and then working in job training, and then that's when they start to mesh the two of them. That's been sorely lacking in the department these past few years, having somebody acting as an advocate at that level for inmate delivery services.

The chief of operations, who is kind of the big nut traditionally in this department, is now one of four equals — not that it diminishes his importance, but it focuses it on security and operations, security of institutions, movement and operations of inmates, transportation to and from the courts, and so forth. In addition to that, he also has control over a new unit in the Central Office which is known as the Communications Control Center, which we never had before. I don't know how a department like this operated because there was no central point from which to disseminate and get information. So his attention now is dedicated to just those things security, operations and communications control, and command posts and emergency response, and those kinds of things. And then of course, you have the general counsel, the chap that I started out with.

These four people now comprise my first-line, high level executives, and they have equal voice and equal weight. When they come into a meeting I don't expect one to dominate the other; that allows me to manage and have the right kind of input from each one of those shops so I can intelligently make a decision. In addition to that, the rest of my executive staff is comprised of an assistant commissioner for public affairs, who previously operated as a two-man shop — himself and a correction officer — and it was crisis-oriented. Whenever there was a crisis he was the first guy who had to be notified because of public demands. Consequently, it took away so much of his time that he could not do anything positive in terms of letting the public know what the hell these people really do here, and what some of our needs were — you know, in terms of what they might be able to do for us.

**LEN:** Thereby possibly preventing crisis situations?

**CIUROS:** Yes, that's right, prevent. I think we're at that point now. It's interesting that [assistant commissioner for public affairs] Phil Leshon is complaining that his beeper doesn't go off anywhere near the number of times that it used to. I said to him, "Phil, that's a compliment to the whole team because we're preventing many things from happening now, rather than waiting and then reacting to them."

He's taken over *The Pen*, our department publication, and I think it's going to be a hell of a lot better as we go along. They hadn't put out a publication, an in-house organ here for ten years. That's what kicks morale in the pants, you know. Now we involve people; they have input. The employees named it, and the employees decided what logo we were going to use. So that's an important improvement in that area. Of course, we've also elevated the position of director of public affairs to assistant commissioner because he has been doing that for however long he's been here without getting the authority and recognition.

In addition, we've beefed up the post of Inspector General. Traditionally we had a small shop that started out with a Federal grant a few years ago, and it's never really been honed down and expanded, nor has it developed a specific role which set goals and standards. What we've got now is an inspector general, two assistant or deputy inspector generals — one would be the administrative head and the other one would be our department advocate. In addition to their traditional responsibilities of investigating complaints of inmates and those kinds of things in an institution, they will now conduct all the investigatory and prosecutorial functions for employee discipline and then the general counsel has two hearing officers who report to him and act as the judges. And then, of course, the unions come up with the defense attorney and it becomes a good judicial system with objectivity and no cross-purposes.

**LEN:** Is there a particular model that you used in setting up this kind of framework, such as, for example, the New York City Police Department's trial department?

**CIUROS:** It's similar, but we're trying to develop our own in what we call a command discipline structure, where we're building a step in the institution level so that all that stuff doesn't come from the top. And with this structure and the inspector general's office I think that in the last couple of months there's been a drastic improvement. We've introduced plea bargaining, adjournment in contemplation of the dismissal, and those kinds of things.

**LEN:** Tied in with the idea of the inspector general's office and with the comments you made when you made your appointments, to what extent has management accountability become more of a day-to-day reality in the Department of Correction?

**CIUROS:** Well, the story I tell to answer that question is this. When I sat upstairs in the country and everyday religiously read the *Times* and the *News* to find out what both ends of the political spectrum were echoing, inevitably every time there was an escape, a riot, or something along those lines, I would read two names: the inmate involved and the commissioner's. In between, everybody got off scot-free. It was a signal to me that nobody was accountable except the Commissioner. And it was also a signal to me as to what I had to do when I got here, and that

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## 'There are a lot of things that we'd like to do in this department, and do them right away. But we're just going to have to spread them out over a period of time because of the fiscal problems of the city.'

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was to say, let's handle the problem at the lowest possible level and make sure the people were doing a day's work for a day's pay. That's precisely what we instituted. Wardens are very important people, they make a hell of a lot of money, and they have a very tough job, too. But what they were doing was just bucking everything upstairs. I'm not faulting them; I think it's the system that was here. I say that's a bad way to run a railroad. Now I hold them accountable for everything that goes on in their institution. Following up on that, they're starting to hold their deputies more accountable because they're feeling the pressure on them, and it goes all the way down the line. Now the bottom line is if tomorrow you or I were to become an inmate, we'd get a lot more attention to our needs and what we're supposed to get from the officer than we did six months ago. I can tell you that unequivocally because now everybody feels more accountable and that officer has to justify his actions, in response to what I want, to what the Mayor wants, the deputies and so on all the way down the line. The whole system is better for it.

**LEN:** Could you cite some other examples of this new sense of accountability?

**CIUROS:** In January of this year we were averaging 22.45 sick days per year per officer in this department; that's an astronomical figure. Rather than attack this in a negative fashion, though, what I did immediately was to examine the other side of the coin. We wanted to know who had a perfect attendance record last year, just for one year. Six hundred people out of 3600 — one sixth of this force — had a perfect attendance record for one year. I thought that was phenomenal in the face of this average, and it made the average of 22.45 a hell of a lot higher for the remaining group. We then took it a couple of steps further and checked on how many people have perfect attendance records for five years or more. That's where we got the 106 people that we honored on May 25th. Then we took it still one more step further, we said, "Well, just for the hell of it, how many had 20 years or more," and we found out six people did. That's a hell of a lot of people. So I talked to the Mayor about it, and said, "Look, I'm taking care of the 106 by awarding them certificates of achievement and recognition at a ceremony of our own. How about doing something for this small group of six?" We came up with the idea of a special mayoral breakfast. I tell you, the effect is just dramatic. These guys are really charged up now.

On the other side of the coin, we are calling the malingerers in regularly. We have a doctor aboard now, as well as a psychologist. We're bringing them in, and if the doctor clears them medically then we bring them into our Operations Unit and dress them down and start the disciplinary route. Thirty percent of the people who were out on indefinite sick leave have returned to work. You know what our average sick leave is now? 13.42! That's probably the most dramatic decrease in sick time in the city or maybe in the state. And I'm very excited over that because that was one of our goals in the beginning; to do that, you had to balance it out. Now if I would have attacked strictly from a negative standpoint, I couldn't sit here now and tell you 13.42, because I happen to know what unions can do and organizations can do and they would have killed me. They would have taken that 22.45 and gone higher with it, because I wasn't rewarding the good guys. But right away I took the 600 down on my side, out of that the 106 are real advocates of this stuff and the six are sitting on Cloud Nine. So we've developed a team of our own. We've also cut our overtime force by 40 percent per month. That may not sound like a hell of a lot but any time you cut something almost in half that has a hell of an impact on your force.

**LEN:** What was the approach on that?

**CIUROS:** The approach has been essentially this: more people are coming to work, people are banging in sick less, and guys are giving a little bit more on the job knowing that we're hiring more officers and they are coming. Basically, they're saying, "Relief is coming, so we're going to dedicate ourselves and work a little bit harder." Where he would ordinarily bang in or abuse his time, this guy's really telling me "you can count on me." The morale is up.

What we've done in terms of how we handle sick abusers, is that there's a whole medical management pro-

gram that we've developed which is basically in three parts. Right away now, when an employee calls in sick, we set up the contract between the immediate supervisor and employee. Right away. In the past, well, if you banged in sick, you banged in sick, and maybe it was two days, three days, maybe it was a week, and when he got back to work somebody asked him a few questions. Usually, that was the end of it. Now we really honed dog him. "What was your problem?" or "What is your problem?" Maybe he's not back yet. So we take a constructive approach; if he needs help, we'll refer him and suggest that he go to a private doctor and encourage him to do that. If we have any reason at all to believe that he is screwing up, we do an immediate investigation and if we find that this guy is bad, right into disciplinary proceedings. Don't mess around with him. Now, if it's legitimate, he appreciates that a little bit more and he may come back to work a little bit quicker. He's encouraged by me. At that point, the information is put into a folder and it goes on to the next step. If he happens to be a chronic short-term absentee, the guy that now we've zeroed in on every pay day who takes the day after off — he probably gets drunk that night — we will see this developing. We would do the same thing here, if we can still give it a nice shot, because what the hell, he may be an abuser for six months but by the

proud, you could feel it. I feel like I was born and raised here and I'm just a country boy. Six months I'm down here and they've already whipped me in line.

**LEN:** Has the New York City fiscal situation affected the department's ability to perform mandated functions?

**CIUROS:** There are a lot of things that we'd like to do in this department, and do them right away. But we're just going to have to spread them out over a period of time because of the fiscal problems of the city. I think the mayor has been phenomenal in this regard, and in the next couple of years it's going to show. What he has been saying is going to come to be: implement good management practices, get rid of people who are incompetent, try to train and improve people who are mediocre, and promote and reward people who are excellent. That's also been my philosophy for as long as I've been in this business.

**LEN:** How about in terms of putting into effect improvements that are mandated by the courts or suggested by other agencies?

**CIUROS:** I like to manage by objective and usually there are three circles. The circle in the middle represents the things that you have to do. In the second ring are the things you should do, and then there's the third ring, the things you'd like to do. This year we've been able to do

## 'By trying to save money by not opening a new facility, you create the problem of overcrowding and all kinds of problems that are tied to that.'

time you go to grab him then he's legitimate. So we try not to put ourselves in a bad position, we try to stay positive. Now we work with them. If he's legit, you know and I know that it's a positive step to get care for him. But if he's not legit at that point, you've got him right where you want him. We then put him right into the investigation unit, into discipline, and get rid of this guy.

Now we also have the long-term abusers, which we still have a backlog on, and we're weeding them out. Those are the ones I told you were cut down by 30 percent. In this case the same process comes into play because we may want to refer them to the disability retirement people and expedite that rather quickly to get them out. The guy may be legitimate, but he's still incompetent and can't perform, so why keep him on? Or, maybe he intends to get better and come back to work. But by now we've built the case up through this point so then we kick him into disciplinary proceedings and get a better shot at getting rid of him. While all this is going on, his case has developed and this information is gathered and fed back into the system so we can start improving and honing down the system.

**LEN:** Since your background in the state system includes a lot of work in labor relations, on both sides of the bargaining table, to what extent has that played a part in your being able to improve the attendance on the job, morale, these kind of things?

**CIUROS:** There are two primary things that I bring to this job that I think are decided advantages in this business. First, I came up through the ranks and I know their language, their feelings, their likes and dislikes and what hurts them and what pleases them, and I know that they want from the boss. I think that's invaluable. You could theorize on it, you could read up on it, you try to practice it, but being there is very important. It's not only important to me, but it's important that the officers know I know the language. The second factor is that I represented correction officers in the union for a good number of years in the state system, and I know, from my own experience, what I used to tell the boss. They would always come at us with the knife and I said, "Wait a minute. Why don't you take the knife to this guy. If you've got him, we'll take you on in court. You know, I have to fight you, but if you've got the goods, you've got the case." So I think that those are two very valuable pieces that I bring to the job and in developing plans like this, as I did in sick abuse, overtime and everything else, we reward people. It's a basic, you know, you have to acknowledge that you've got some damn good employees. And I want to tell you something, there are a hell of a lot of good employees today out at Rikers Island; those people are sharp and

something that the city hasn't been able to do for a long time, and that the department hasn't been able to do, and that is to take care of the things you must do. And you must conform to law and court decisions and now, the Board of Corrections and their minimum standards, which have the force and effect of law. We have to do that. Other people might not have looked at it that way but I believe that if we have to do it, we're going to do it. The mayor has been gracious with us and provided us with the funds which have been approved by the Board of Estimate and the City Council in order to do the things that we must do. Now obviously, as the manager of the department I'd like to do all three rings. I think that it's pretty obvious to me with this commitment, and with the support I've gotten from the mayor, the City Council and the Board of Estimate, that we're going to go into that second ring within a short period of time and take care of the things we should. And if I'm lucky and do a good job, maybe with the savings I'm creating I can do a lot of things that I'd like to do.

**LEN:** Is overcrowding still a problem at your facilities?

**CIUROS:** Overcrowding, I think, is something that people define differently. The state system has a problem because they're running out of facilities up there. All of their facilities are about at maximum capacity with the exception of some of the city work-release facilities. This department has had enough space but they haven't had enough manpower to open up all of that space. For instance, the newest facility on Rikers Island holds six or seven hundred people, but they couldn't open it because they didn't have the staff. So what you do is you put a large number of people in a smaller facility and you create overcrowding. By trying to save money by not opening a new facility, you create the problem of overcrowding and all kinds of problems tied to that.

**LEN:** Is there any indication that this situation is going to ease somewhat?

**CIUROS:** With our new hiring now, yes. We'll be able to do some things, like I said, that we have to do, such as allowing contact visits, for instance.

**LEN:** How would you characterize the system's potential for violence at the present time, in terms of both mass violence, such as riots and confrontations and also individual violence, such as in-house murders and suicides.

**CIUROS:** The potential is always there. You always plan for the worst and hope for the best. I have a feeling from my own experience that you can only do so much in terms of guaranteeing anybody that there's not going to be a problem. When you take the type of people that we have in our facilities and put them all together, you've

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## 'To say I rehabilitate a guy is kind of crazy, or for someone to say that I'm to blame because I didn't rehabilitate someone is kind of crazy because I don't think corrections ought to be held accountable or responsible.'

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always got the potential for violence. Again, it's been my experience that if you treat people, no matter how bad they are — and we've got some bad people — in a humane fashion, treat them fairly, then you're minimizing that potential to the best of your ability. I feel very strongly on that.

Everything in this business is my people. I will not tolerate a misuse of power, and correction officers, like police officers, have awesome power. If that is not leashed and kept intact and under control, then that potential for violence rises and gets out of hand. I do not tolerate it. I will move, fire, do whatever I have to, to anybody who doesn't conform to my policy and my philosophy. That I say unequivocally, that I just will not tolerate it, from the top to the bottom. I've been there; I went through the Attica as a union leader. I don't ever want to be in one of those situations again. I can deal with problems if I have to, but I just hope I never have to. I believe in a very well-trained force, too. And while we're doing that I'd make sure everybody understands me; you take orders and I will give the orders. Everybody has one boss, and you know, discretion must be at the highest level in this business. I cannot give a correction officer, no matter how much respect I have for him, the authority to just make his decisions willy-nilly out there in the field. And that's why we're developing a whole new policy and procedure manual in this department. This has never existed. They have a rules and regulations book and they have directives they send out. All my wardens are trying to do a good job; they go by the rules. But there are no standard operating procedures in the department. We're working on that now, and as soon as that's in place everything will be a hell of a lot better because everyone will be doing things the same way. But I can't emphasize strongly enough that we will not tolerate abuse of power and authority, and they've got quite a bit of power by virtue of their police officer status, and by virtue of the fact that they're in charge of another human being. I've been there.

Probably the best thing that ever happened in my life, was just to divert a little bit, when I first took this job as correction officer in 1956. I went to Greenhaven [state

training program that is geared to cultural backgrounds, minorities, ethnic, and interpersonal relations." So they gave me that task and that was the first of its kind in the country, a 13-week training program for correction officers. We dealt with just about everything in terms of human relations, interpersonal relationships and different types of inmates, how to handle situations, role-playing. We had on-the-job training in addition to physical aspects of it. I think the program is about eight weeks now, and they're close to getting it accredited so that they can get college credits for that piece of training. We're working on the same thing now in this department.

I believe in trying to get the right people for the right job and providing them with all the training and opportunity for higher education that I can give them. I don't think I can inhibit anybody from advancement; that's a bias I have because of my own situation. By virtue of their not having had the money or opportunity to advance academically, I think that we ought to make the opportunity available to them. I was lucky, you know to get this far with my background. The system helped me because I had an opportunity to do things. I believe that there ought to be standards. I believe in giving a person who has gone out and gotten his education while he's on the job an opportunity to advance faster. There ought to be some incentives. I have different ideas on that, but I don't think that because he doesn't have it, he ought to be inhibited from advancing if he has the ability to do the job. Harry Truman is a good example; whether you liked the man or not, he sure made a success out of himself and did a pretty good job with his life with his limited education.

**LEN:** Should there be minimum educational requirements?

**CIUROS:** I think high school, which means can a guy read and write, although even that's questionable now with the school system that we have. The school system leaves a lot to be desired. I'm not in the position to be the judge of that.

**LEN:** So you're saying that the training necessary to become an effective correction officer should come from within the department itself?

tion is generally paid to the needs of the police and an inadequate amount to the needs of other areas of criminal justice, such as courts and corrections?

**CIUROS:** I can't say anything but yes to that. But I think that in fairness to the other law enforcement agencies I'd rather answer you this way. Whenever there are problems in prisons or correctional facilities there is always an infusion of money to cool things down. In the state system for years very little attention was paid and very little money was put into the system to try and change people and provide opportunities for inmates. I try to stay away from the word rehabilitation; it's intentional because I feel that people do rehabilitate themselves. We don't do it for them but we have an obligation to provide the tools with which they can do it for themselves, and guide them and direct them. But to say I rehabilitate a guy is kind of crazy, or for somebody to say that I'm to blame because I didn't rehabilitate someone is kind of crazy because I don't think corrections ought to be held accountable or responsible. The fact of the matter, though, is I don't think those kinds of programs ever were really fairly given a shot. One fellow came out early last year and made a statement that "programs don't work." All kinds of groups latched on to that and they made a big thing about it. If you read into what he said, he said exactly what I'm saying now, that we still have an obligation to provide those kinds of things to people if we're going to take them out of society and society expects us to put them back better than when they came to us. We have an obligation to at least make things available to them and try to guide them. The budget people are starting to take the money away from programs now, saying, "Well, it doesn't work, so why spend any more money on it." They never had a chance. We've been spending millions and millions of dollars in this country doing crazier things, and we're still doing them, pumping money right down the drain. It's been going on for a hundred years. In prisons they say, "Well, we tried that for two years, three years or four years, and it hasn't worked." For Christ's sake, things take time, and what kind of a track record do you develop in three years, or four years, or five years. You have bitten off more than you can chew when you say you're going to do it in five years. Number one, and I can speak first-hand, it's probably going to take 20 years to get the kind of staff and people involved inside the system before it even gets off the ground! You've been giving those people money who've been running the system the old way for 150 years. You've got to weed out and get the right people in place, that have the same tone, the same philosophy, and believe in what they're doing. I worked in the state system for years and the people were not trained for that, and I don't fault them. They were geared to make sure that these guys were in prison. Now we gave them a lot of money and said, "Now fellows, go train them." So they went, and they said, "OK" and they spent the money and, to be honest, tried. They weren't trained for that, academically, vocationally, or even philosophically; they weren't geared for that. You take a good carpenter and tell him next week he's going to be putting out laser machines: "That's your job now, you've got to do it." The guy's going to break his back to do it. But what training have you given him to do that? He's a good carpenter. You're throwing your money away trying to expect him to put out a good product. It's a whole process that evolves and I don't know how long it will take. But I'll tell you, it takes more than four or five years and that's all the time prison programs have been given attention in this country. And now they're ready to take it out. You take the programs out and find out how many idle hands you're going to have. If programs do nothing else, they keep people constructively busy, actively engaged in something constructive for the time that they're out of their cells — busy minds.

**LEN:** Do you have a psychological and medical history screening mechanism in effect?

**CIUROS:** It ties in with this. But it is also tied in with our recruitment capability through physicals and psychologicals. We've got a personnel director of staff development, a Ph.D., who's working on that day and night. She's putting together this whole recruitment package and staff development package, performance standards and evaluation systems. I believe in regular evaluation of employees, in writing, with interviews in one-on-one situations and telling people what they're doing right and wrong and how they can improve. All this is close to the heart of what I said earlier. If you've got mediocre people you'd better do something about it. If they're going to go to bell curves, they're going to go one way or the other. If you don't care about them, they'll fall off to the negative sides, but if you work on them and develop them they'll come. But that's an obligation that management has and we haven't fulfilled that obligation. Develop what you have. I haven't seen it in this department since I've been here.

**LEN:** From your experience, and from what you know from other sources, does it appear that too much attention

## 'My job is to keep these people off the street, keep them in jail, after the judge sets their sentence, and make sure that I treat them right as human beings.'

prison], and this was my training program. I stood in the principal keeper's office for two hours at attention while he told us how tough he was. We were all given an assignment and put with an older officer for about two days and then we were thrown to the wolves, given a club and a badge, and we had to go out and buy our own hat, pants and everything else, and we were left to our devices. What I'm telling you is we were not trained, and if you were lucky, you were put in with an officer who had a pretty good head. If you were unlucky you were either put with some wise guy who told you, "learn it the way I did," or with some screwball. I happened to survive Greenhaven for three years and I can tell you that I learned a lot there, but it wasn't because of the people I was thrown in with. There were some good people, there were some bad people. I was fortunate when I went back to Elmira, which was my home institution, where I had the privilege of being put in with one fine old-time officer. That was the luckiest part of my whole career because I learned how to do things right. And it wasn't because I was good, but because I happened to be lucky and I learned one hell of a lot. From there on I learned how to deal with people.

**LEN:** Do you have any philosophy as to minimum qualifications and training standards for correction officers?

**CIUROS:** Oh, yes. Right after Attica, the state system got a lot of Federal funds. They wanted to clean up all the mistakes, so we got Federal funds for training and minority recruitment. For one reason or another both of them were dumped on me simultaneously. I was told to put together a training program for black correction officers; that was the unofficial order I got. And I looked at the person who told me that and told him he was out of his mind to issue such an order. So I gave him an unintentional lesson there, I said, "Just tell me to put together a

Absolutely, and if I have my way very soon we will have a pass/fail system here in the city where you will take a correction officer exam and that will be part of the selection process. Then our training would be the other part. There ought to be a pass/fail mechanism after he's had so much training and opportunity to learn how to do certain things. I'd like to be able to get rid of people and we're doing that now with our psychological testing. I don't want to give any numbers because I don't know them, but I understand we've already excluded a couple of people through our investigations.

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**LEN:** Which again, is minimizing the potential for violence?

**CIUROS:** That's right. You take that away and what are they going to do? Hang around the yard? Are you going to hang around 118th Street like they did when they were picked up? They're going to find things to do, and you know what they are going to find to do? Bust chops, and when they bust chops the officer's going to give it back. And pretty soon you've got a conflict. So if programs do

Continued on Page 12

# Correctional News . . .

## National accreditation program is based on strict guidelines

A stringent accreditation program for the nation's 3,000 correctional institutions was initiated this summer, when the Justice Department and the American Correctional Association announced the release of more than 1,500 specific standards designed to improve prison conditions.

According to the New York Times, the accreditation process will be voluntary among the nation's state and local institutions, but the Federal Bureau of Prisons will require its 38 prisons and 11 halfway houses to meet the standards.

Clair A. Cripe, the general counsel to BOP, characterized the implementation of the new standards as a "reality shift," noting that the new developments are the start of a fundamental change in correctional reform.

During the 1960's, he explained, civil liberties groups and other concerned organizations worked to win court decisions against prisoner abuse, poor food, inadequate medical care, and unsatisfactory programs of education and vocational training.

"But now it's clear to us that most of these issues have been litigated to their fullest," he said. "It's obvious that you can take prison reform only so far in the courts, and that details of further reforms can be accomplished now more completely through regulatory standards and model statutes."

The new standards, which are contained in seven manuals for adult and juvenile

institutions and programs, were written by the Commission on Accreditation of Corrections, a panel founded by the American Correctional Association with Justice Department assistance.

Specifically, the guidelines deal with the rights of prisoners, living and working conditions, discipline, recreation, and the administration of institutions. Ideally, they would replace standards that have been set piecemeal by courts, legislatures, other governmental bodies, and prison administrators. To become accredited, a prison would be required to permit officials to regularly monitor its compliance with the standards. The process would cost from \$1,000 to \$5,000 for each institution, depending upon the size of its physical plant and inmate population.

Accreditation may actually make it easier for Federal prisons to obtain state and local funding, according to Raymond S. Olson, the associate executive director of the correctional organization, who noted that officials will be able to cite their need for extra money to comply with the stricter standards.

Noting that the new rules have been endorsed by the American Bar Association, the American Medical Association and the Commission for Uniform State Law, Olsen said that compliance with the standards "will show to the public that the corrections field has matured to the level of a profession."

## Potential of coed corrections examined in Federal study

The first nationwide assessment of co-educational correctional institutions has found that the concept may be effective in improving prison life and curbing recidivism, but that more formal evaluation is necessary to substantiate the value of co-corrections.

Conducted by Koba Associates for LEAA's National Institute of Law Enforcement and Criminal Justice, the study said the two basic premises behind the growing use of coed prisons are that "two can live as cheaply as one" and that "male and female need each other."

"Derived from these basic concepts are the expectations that the presence of men and women in institutions used to capacity will serve the system economy, and that the interaction of incarcerated men and women will have positive effect on institutional functioning or the inmates' lives," the report noted.

The researchers used four criteria to define a co-correctional institution, noting that it must be an adult facility, the major purpose of which is the custody of sentenced felons, under a single institutional administration, and that the prison have one or more programs or areas in which male and female inmates interact.

In spite of the restrictive definition, the study found that a "significant percentage" of the female prison population and a "growing number" of male offenders are incarcerated in coed institutions. "Recent compilations by the Bureau of Prisons show that 997 females and 2077 males, or that 58.1 percent of female and 7.5 percent of male Federal prisoners, occupy coed institutions," the report said. "Using the data on inmate populations obtained in

this study, it can be calculated that 1232 females and 1277 males are in state coed institutions, which represents 9.7 percent of the female and .53 percent of the male state prison population."

Although the report suggested that further research into the co-correctional concept is needed, it urged prison officials who are planning to implement the coed concept to examine the existing data. "Despite the 'trial-and-error' basis which has often characterized development of coed institutions, the body of experience regarding co-corrections is wide enough that potential implementers should take it into account."

The researchers also warned that correctional administrators should not employ co-corrections as the sole solution to equalizing the populations of underutilized and overcrowded prisons. "Where a single-sex institution is underutilized," the study said, "consideration should be given to either moving the occupants to a smaller single-sex institution, or redefining the security level of the institution to permit introduction of more offenders of the same sex, as well as to co-corrections."

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## Carlson challenges bill for new therapeutic program

Federal Bureau of Prisons Director Norman A. Carlson recently voiced his agency's opposition to proposed legislation that would establish a therapeutic community program for Federal inmates which would be placed outside of BOP's purview.

Testifying before the Senate Judiciary Committee last month, Carlson contended that his bureau has already developed a number of programs that are based on the concept contained in the pending Therapeutic Community Act of 1978 (S.3227). He specifically cited a therapeutic community for narcotic addicts that was established at BOP's Danbury, Connecticut facility in the mid-1960's, and a transactional analysis program which is operating in 10 Federal institutions.

"Programs of this type involve inmates living together as well as interacting together," he said. "In addition to regular correctional workers, psychologists and other mental health professionals are involved in program development and implementation. Other self-help approaches utilize reality therapy, human resource training, yoga, eclecticism and positive reinforcement."

Noting that therapeutic community efforts serve approximately 2,000 inmates in 15 BOP facilities, Carlson observed that the programs all involve elements of psychotherapy and peer support.

The bureau director agreed with the

bill's premise that the concept is viable, citing an early evaluation which indicates that recidivism rates are reduced by such programs and that participating inmates generally have a lower rate of disciplinary infractions when compared to other prisoners.

However, Carlson noted that at the present time such programs are difficult to establish for a number of reasons, including prison overcrowding and difficulty in finding, training and maintaining a professional staff who can successfully relate to inmates in an institutional setting.

"Except for the problems mentioned above, our therapeutic communities essentially meet the guidelines set forth in S.3227," he noted. "We are concerned, however, with several sections of the act which require these communities to be administered by a newly-created structure — separate from the Bureau of Prisons. During my 22 years of correctional experience, I have observed that programs are often doomed if they are not seen as being an integral part of the agency."

Although Carlson told the committee that the bureau supports "the intent" of the proposed legislation, he said that the authority to implement therapeutic communities already exists under Federal law, making the new act unnecessary. He added BOP can step up its therapeutic efforts.

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# Interview: Commissioner William Ciuros Jr.

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nothing else but keep people actively engaged in something constructive, through which you can measure whether or not they are at least behaving.

LEN: Tied into the whole concept of rehabilitation and public willingness to fund lengthy programs, what's been your perception of the public attitude toward corrections, in the sense of what are they looking for? Is it rehabilitation, or is it punishment, or is it simply warehousing convicted offenders?

CIUROS: It depends on what part of the public you're talking about. If you're talking about the mother whose 15- or 16-year-old kid was just busted for some drug offense or robbery, she's got an entirely different view of it than that same mother would have if the kid never got in trouble, became a doctor, and the doctor got his office busted into by somebody else's 15-year-old kid. I have to look at it as a father, as a taxpayer, and as a respected citizen in the community who doesn't want to get beat up and abused all the time. There are no easy answers to any of these, but you put yourself in the different roles and make a judgment in each one of those roles and then back off and try to be fair about it. But everybody has his own little interest and people want easy answers. An easy answer today is to find out who can come out in tomorrow morning's paper with the toughest law and order packages, because it's an election year. Thirteen-year-olds in the headlines? You know you have to ask the governor the question or you have to ask [Republican gubernatorial nominee Perry] Duryea the question, what response they thought would give the most headlines. What if his kid got busted tomorrow? Do you think he'd come out the next morning with the same headline? Or would he give up his election and say "my kid deserves better than that." I don't want you to think I'm a bleeding heart because I'm not. The violence that some of these kids are doing, they ought to be strung up. But that's an easy answer; that's election rhetoric.

LEN: Is there any clear-cut age at which you could say an offender should be treated as either a juvenile or an adult?

CIUROS: I don't have easy answers, but I won't pretend to sit here and have them. But I'll tell you that we have an obligation that I think starts a hell of a lot sooner than when a guy commits a crime. You want to be a tough guy? You want to make headlines? Get out and clean this job market and the society that we're living in out there. What is it, 35-40 percent unemployment among young people in Harlem? You're going to put them all through this beautiful prison system and drop them back into Harlem and expect them to become model citizens? I say "bullshit!" People are looking for easy answers to difficult problems. Ten thousand low-paying jobs are a hell of a lot better than 300 high-paying jobs. And keeping kids off the street, somehow, when they're younger, and getting them into the schools, giving them discipline, getting the

parents involved in their upbringing; those kinds of problems, I think, should take precedence over putting 13-year-old kids away for life. I got news for you. A 13-year-old kid when he gets to be 40, something happens to him. That's one thing that everybody agrees on — maturity of age does something for an individual. Why can't we accelerate that maturity in terms of a person's growth at an earlier age? Ignorance is probably one of our biggest enemies in this society.

But you know, we get the blame for recidivism. And everybody says, "What kind of rehabilitation programs do you have?" This guy came out and committed a crime on 118th Street last night, beat the hell out of some woman for drugs, for food, whatever." You know what I tell them people? "Go scratch." My job, as cold as it may seem, is to keep these people off the street, keep them in jail, after the judge sets their sentence, and make sure that I treat them right as human beings and do the best I can to influence them somehow while they're here. What is there? If you tell me I have to do more, then you're out of your mind.

LEN: To what extent is there interplay between yours and other agencies, either directly involved in criminal justice or peripherally involved, to implement programs such as you have in mind?

CIUROS: Our new deputy mayor, for criminal justice Herbert Sturz, has been working very hard at bringing all of the criminal justice groups together to work out certain aspects of these problems. It's a new administration and we haven't gotten into really acting; we've been mostly reacting to most of the problems that existed when we got here. But with his experience and his background, I'm sure that there's going to be much attention paid to ways in which we, as a group, can offer some positive recommendations.

LEN: In a system such as we have here, which anybody would say is characterized by logjams throughout, particularly in the courts, to what extent can you implement alternatives to prison where they might be applicable?

CIUROS: Well, again, you're talking about something out of my jurisdiction, out my realm of responsibility. Many of those programs existed five years ago, and with these alternatives to incarceration the population was cut in half. They've got more arrests and at the same time they were asking us to come up with alternatives to incarceration.

LEN: Would this make the job of the department that much easier, or if nothing else, more clearly defined?

CIUROS: Not easier. In every regard it makes it tougher.

LEN: You're not dumping people who you might be able to divert into something a little more helpful than a prison term. Granted, you have probably a harder-nose class of felons.

CIUROS: Absolutely, and they're tougher to deal with. And keeping in mind the poor correction officer here on

the line, he has to make sure that he's within his boundaries and doesn't abuse his authority, and yet understand the problems of this individual, make sure he doesn't escape, or rape some other inmate, abuse somebody else or assault him. These are tough nuts. It's a tough, tough job. It's tougher now than it ever was.

LEN: Do you see it as getting significantly easier over the long term?

CIUROS: I don't know. I think it's peaked out now in terms of how bad it can be. I think that when we talk about minimum standards, legal rights of inmates and everything else, I think there is a halo effect that goes out over the officers too. I think there's a certain amount of good that affects them, too.

LEN: In April of this year, Governor Carey said that negotiations toward a possible state takeover of Rikers Island were underway. First of all, is there anything new in that regard, and second of all, and more to the point, what kind of an effect would a move like that have on the system that you administer as well as on the state system?

CIUROS: First off, the Legislature has to act on that as one of the matters for which the Governor called them back into special session. Dependent upon what action they take, if they appropriate necessary funds for them to get into active negotiations with the city, then we will give them relief, namely in terms of providing more space. In addition to the space that exists on Rikers Island in terms of cell space and beds, there's a lot of land out there which they will probably be interested in for future expansion if that is required. But it also helps us because it will cut down the need for us to transport inmates from Rikers Island all throughout the mainland, back and forth, which is a tremendous amount of movement and expense for security reasons. It will permit us now to redesign, improve and build, where necessary, new facilities in each of the boroughs next to the courts so that employees would be closer to their jobs, the inmate and his family are better able to communicate and the lawyers can go right next door in the community to service their clients. So it's better for everybody. We look forward to it. I look at it as a great opportunity as the commissioner in a department of this size. Besides, it's probably something that very few commissioners have an opportunity to do — designing and building a facility the way you like it.

LEN: It would also seem to be rare that a commissioner might look forward to having someone taking part of his jurisdiction away from him.

CIUROS: I don't know what I'd do, but I've encountered enough in my managerial ability to try to find some way to put a stop to this prison system as it exists today. I'll probably catch hell from all my employees for saying that. But I could get them all jobs somewhere else, too. I think that would be one of the biggest contributions any one person could make to society while we're on this earth.

## Union leader surveys aftermath of Memphis police strike

Continued from Page 1

one-year contract or a two-year contract with the inclusion of a reopen clause with a fact-finding board."

Although the union agreed to a two-year contract in the settlement it reached with the city on August 18, it did receive a one-year reopen clause. The only amendment to the pre-strike offer on wages, the clause states that the city and the union will establish a three-member fact-finding committee 60 days before July 1, 1979 that will attempt to determine if the police are entitled to more money.

Baker explained that the union will select one member of the panel, the city will pick another, and the two committeemen will choose a third. "The panel will hear proposals from the association and the city," he said, "and it will submit its advisory findings to the City Council."

The union president noted that the City Council will have the final word on whether the officers receive an additional pay increase on top of the mandatory 7.5 percent boost that they will receive in October, 1979, but he seemed sure that the fact-finding panel's recommendations would be followed. "We think it's a good process, and we have accepted it in good faith," he declared.

Declining to comment on whether he would call another strike if the city does not accept the panel's findings, Baker noted, "We will deal with that at the time."

However, Chris Cothran, a member of the union's executive committee who briefly took control of the association from Baker during the strike, said he was not worried that the recommendations of the fact-finding board could be ignored by the city. "We struck once and we'll strike again," he told a *Memphis Press-Scimitar* reporter.

Baker cited the assistance of an "ad-hoc committee of business and labor leaders" as one of the reasons for the resolution of last month's strike. "Without them," he noted, "there would have been no settlement."

At the outset of the strike, the union leader said he was "anxious" and "curious" about the walkout, adding that he would try to curb any violence that might arise. "It's going to be a peaceful strike," he noted at that time. "We're going to conduct ourselves professionally. Obviously, I can't control 1,100 people, but we're going to put the word out that we don't want [violence]."

In spite of Baker's intentions, there were several instances of violence or threats of violence during the strike, according to local newspaper reports. On the fourth day of the walkout, rocks were thrown through doors and windows at the Central Police Building and at two precincts where union members had been picketing.

At one of the besieged station houses, about a dozen police supervisors inside took out shotguns, but returned them to their racks about 15 minutes later without having fired a shot. "I feel like I'm at the Alamo," one captain

told the *Commercial Appeal*. "I'm beginning to feel like I know what the people at the Alamo felt like."

A number of strikers were arrested for curfew violations by supervisory personnel lead by Police Director E. Winslow Chapman. The chief noted that he arrested between 30 and 40, and that the National Guard and police had booked another 30. A police spokesman said that the cases of the arrested are still pending.

Shortly after the settlement was reached, David Baker assessed the new contract and surveyed the aftermath of the strike for local reporters. "I am satisfied it's the best possible agreement that could be reached," the union president said. "My main disappointment is that we had come to this."

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## ON CRIME

## Histories of 'Old West' policing, mysteries head list of suggested crime reading

History and mystery buffs have a broad selection from which to choose in the crime publishing lists this week. Five entries of the Old West offer enough shoot-em-ups for any fast read artist. Though a bit on the academic side, *The United States Marshals of New Mexico and Arizona Territories, 1846-1912* (Univ. of New Mexico Press) by Larry D. Ball encompasses all the great six-shooter lawmen of the era, in one of the most complete studies of that genre to date. A warning should be issued to the Wyatt Earp fan; Ball does not eschew criticism or what seems to be a personal dislike for the great peacemaker.

Warren Hinckle and Fredric Hobbs present a lavish semi-pictorial history of Virginia City, Nevada during the dizzy Comstock Lode days in *The Richest Place on Earth* (Houghton Mifflin). It is the story of greed-craven prospectors — the scum of the West — and the quick-to-rise robber barons who filched their riches; in short, a delightful epic. *The Queen City* (Pruett Publishing) by Lyle W. Dorsett is a richly illustrated history of Denver from its cowtown days to its present status.

Gunslingers are not ignored, chiefly the head of the Wild Bunch, in Larry Pointer's *In Search of Butch Cassidy* (Univ. of Oklahoma Press). Despite a plethora of detail, Pointer's attempt to prove that Butch (born George LeRoy Parker) was not killed by troopers in Bolivia in 1908, but lived on as one William T. Phillips who died in Spokane, Washington in 1937, is forced and factually slim. Other than an obscure manuscript penned by Phillips which obliquely puts in a self-claim for Butch's identity, Pointer offers nothing to convince the readers that his story is solid. In addition, certain photos published in the

book which purport to be of Butch and members of his Wild Bunch are outright fakes, as any competent historian of the West would recognize.

Joseph Henry Jackson's *Bad Company* (Univ. of Nebraska Press) has been republished, much to the joy of rogue lovers. Jackson's stirring account of California's legendary stage-robbers, from Black Bart to Joaquin Murieta, remains a classic history of the bad ones.

Those wheeler-dealer stock kings Jim Fisk and Jay Gould, along with seads of other scammers, are back in Charles P. Kindleberger's *Manias, Panics, and Crashes* (Basic Books). Though his prose is often that of a business report, Kindleberger does give a succinct history of financial crises in the mad, mad market. Stress of a different nature consumes Richard Maxwell Brown's *Strain of Violence* (Oxford University Press), a thick narrative that is both fascinating and horrifying as it depicts violence and vigilantism in America. In keeping with the American as violent pioneer, Beinfeld Publishing has re-issued *Armsmear, The Samuel Colt Biography* which reprints en toto the story of the man who put the handgun into the sweating palms of lawman and gunman alike. An elegant and impressive work is *Historic Courthouse Of New York State* (Columbia University Press) by Herbert Alan Johnson and Ralph K. Andrist, with photographs by Milo V. Stewart. This stylish book offers a marvelous look at some of America's most impressive architecture, from Greek Revival to Victorian, with juicy anecdotal narratives on the history of certain courthouses, such as the Erie County Courthouse where Leon Czolgosz, President McKinley's assassin, was sentenced to death, and the Herkimer County Courthouse where

Chester Gillette's trial took place, Gillette later becoming the protagonist in Theodore Dreiser's *American Tragedy*.

For those bent on fictional crime, *Tales of Terror and Mystery* (Doubleday) by Sir Arthur Conan Doyle collects some of the most chilling stories ever penned. *Sherlock Holmes and His Creator* (St. Martin's) by Trevor H. Hall presents some provocative essays about the great sleuth and his alterego, Doyle.

Biographies of mystery writers abound. John McAleer's *Rex Stout* (Little, Brown) is one of these rare volumes, though massive and plump with research, that chronicles a long life with exciting prose as well as describing one of the most fascinating careers in the annals of the detective genre.

*Agatha Christie* (Dodd, Mead), an entertaining if not too revealing autobiography by the grand dame of mystery writing, should satiate her countless fans. *Agatha Christie, First Lady of Crime* (Holt, Rinehart, Winston), edited by H.R.F. Keating, titillates the reader with some stylish essays that throw unexpected spotlights on the venerable Dame Agatha. For those obsessed with mystery and detective trivia, nothing can compare with Dilys Winn's enormous *Murder Ink* (Workman). This behemoth tome is more humorous than informative, a compendium of techniques, ideas, and whims by just about every mystery writer available. *I Witness* (Times Books), edited by expert writer Brian Garfield, collects many delectable anecdotes by mystery writers who relate their personal encounters with crime, from Robert Bloch's chilling account of Wisconsin cannibal Ed Gein (upon whom his *Psycho* is based) to a specious and boring account by John D. MacDonald (probably the most overrated mystery hack of the last century) dealing with toxicology in an obscure murder case.

*Albert Borowitz's Innocence and Arsenic* (Harper & Row) is a thought-expanding study in crime and literature, which opens the door wider on Stevenson's Dr. Jekyll and the improbable identities of that ever-lovin' Jack The Ripper.

(Released through the Crime Journal Syndicate, Suite 226, 2561 North Clark Street, Chicago, Illinois 60660.)

## Review: a punishing history

**The Punishment Response.** By Graeme Newman. J.B. Lippincott Co., Philadelphia. 1978. 323 pp. Paper \$5.95.

"Punishment, the bane of man's existence, becomes the natural food for the beautiful monster he has created: society."

This book explains how, throughout history, man has learned to produce and assign punishment to others. The man-made gods and spirits, as well as religion, provided justification for possible guilt feelings. All of this was created in order for men to survive in this complex society, and keep his perception of nature balanced and organized. The other forms of punishment came through social institutions such as family unit, slavery, school, criminal law and military.

It is interesting that not only was punishment in the pre-Christian days inflicted on criminals, but beheading and other forms of torture were used as a sacrifice for the man-made gods, or for warding off evils. Therefore, mutilations were also a common practice. Newman also observes that some of the condemned during the Greek and Roman days actually requested

certain forms of execution. To die by the sword or, as in England, the block was reserved for those of high status, but for the robber the low block or an undramatic hanging was enough. The unusual element about all this was that these punishments were all tied into the religions that man invented for himself. Even stoning had its religious overtures, being thought of as meteoric stones sent by gods. By burying the offender beneath the sacred stones, he or she could not escape to do harm to others.

The author of this book is very thorough in his explanation of the different kinds of punishments, and he goes on to tell of the terror used to get the accused to confess. The inquisitors were well trained, and they could assaid the conscience and the heart of the accused. All of this was doing the work of God, or so they justified it.

During the 17th and 18th Century punishment and death loomed larger than ever. People in London found themselves yelling hysterically at the foot of the gallows. During the 18th Century religion was no

Continued on Page 16

By JAY ROBERT NASH

## New NBS manual covers patrol car purchase & use

The intricacies of patrol car purchase and management explored in a new National Bureau of Standards publication designed to provide a comprehensive guide to police vehicle acquisition, utilization, maintenance and disposition.

Utilizing the techniques of "life cycle costing," the 117-page report examines the choices an administrator must make in putting together a patrol fleet. "This means the inclusion of first and end costs, and operation and maintenance costs, as well as the conversion of costs to an equivalent basis to take into account differences in the timing of expenditures," an NBS spokesman noted.

Acknowledging that the differences among departments precludes the imposition of uniform fleet management rules, the manual provides general guidelines which are recommended as useful decision tools for administrators.

In addition, the guide addresses such specific topics as the cost effects of purchasing different sizes of patrol cars, the advantages and disadvantages of direct ownership as compared to leasing, optimum vehicle replacement periods, efficient vehicle disposition, and the comparative values of in-house and out-of-house maintenance.

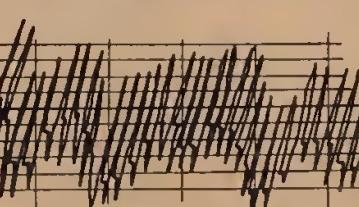
A descriptive overview of existing police fleet practices is provided in the form of tables on fleet composition, patrol car selection and accessorization, car utilization practices, and maintenance and replacement policy.

Copies of the report, entitled "The Police Patrol Car: Economic Efficiency in Acquisition, Operation, and Disposition," can be ordered for \$3.00 prepaid by writing: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

### NEW JOURNAL

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# Current job openings in the criminal justice system

**Fifth Annual Competitive Graduate Research Fellowship Program.** The Law Enforcement Assistance Administration is again offering this program to provide financial support for doctoral candidates writing dissertations in crime-related fields. There is a financial support to a maximum of \$10,000 for one year, plus additional allowances for dependents.

For further information, or to submit letters of support and concept paper, contact: Ms. Mary Ellen Brace, Graduate Research Fellowship Program, Office of Criminal Justice Education and Training, Law Enforcement Assistance Administration, Washington, DC 20531. Telephone: (202) 376-3560. Deadline for submissions is October 1, 1978.

**Research Assistant.** The Police Foundation is seeking an individual to fill this position for a 12-month assessment of the status of women in American policing, starting September 1, 1978.

Duties will include compiling a literature review and synthesis, interviewing police managers and police officers, writing position papers, analyzing personnel procedures and strategies, assisting in the development of interview and survey instruments, and assisting in analysis of data.

Applicants should possess a bachelors degree or equivalent experience, as well as knowledge of the criminal justice system and research methodology.

Send resume and writing sample(s) to: Ms. Cynthia Sulton, Police Foundation, 1909 K Street, N.W., Suite 400, Washington, DC 20006.

**Criminal Justice Instructor.** Trident Technical College, a two-year institution, will have a position available in September 1978 for a criminal justice instructor at their Palmer, South Carolina campus.

Minimum requirements include a masters degree in law enforcement administration, police science or criminal justice-connections, and at least five years experience in public service or law enforcement. Teaching experience is desirable.

Send resume to: Personnel Office, P.O. Box 10367, Charlestown, SC 29411. An Equal Opportunity Affirmative Action Employer.

**Institute Director.** The Criminal Justice Institute in Florida is seeking applicants for the position of director, beginning January 2, 1979 on a full-time basis. Selection is to be done by a screening committee of college faculty and Broward County Chiefs of Police Association.

A masters degree in criminal justice on a related field is required. In addition, operational experience and progressively responsible administrative assignments in law enforcement are preferred.

The position entails administration of associate degree programs in police science and corrections through department heads, and a strong emphasis on state-mandated programs in recruit training, police career development, and specialized seminars and workshops. In addition, the director is responsible for a centralized County Testing Center and control of special support funds from police agencies.

Submit inquiries and/or resumes before November 15, 1978 to: Personnel Officer, Broward Community College, 225 East Lasolas Boulevard, Fort Lauderdale, FL 33301. An application will be forwarded.

**Correctional Administrator.** The State of Kansas is currently seeking applicants for the position of Secretary of Corrections. This individual is the chief executive of the Kansas Department of Corrections, which consists of five institutions, two work release centers, an honor camp and a field staff of probation and parole officers.

The post requires five years experiences as an executive officer in the administration of Federal or state penal or correctional institutions, or five years experience in the field of corrections. Three years of such experience may be waived for an appointee having a degree in penology or a related field from an accredited college or university.

Successful candidate must have either correctional institutional experience, community corrections experience or general experience in the field of corrections. Applicants must have innovative ideas, effective techniques and capabilities of administering a contemporary

correctional program. Also, applicants must possess diverse and demonstrated management skills.

The Secretary of Corrections is appointed by and serves at the pleasure of the governor and must be confirmed by the Kansas Senate. Salary ranges from \$30,000 to \$40,000 with excellent fringe benefits. Topeka, Kansas is the official domicile.

Address letters of applications, along with enclosed detailed resumes, to: Governor Robert F. Bennett, The Governor's Office, 2nd Floor, Statehouse, Topeka, KS 66612. Filing deadline is September 30, 1978.

**Patrol Officer.** The City of Boulder, Colorado is accepting applications for the position of police patrol officer for the purpose of establishing an eligibility list, which will remain in effect through 1979.

General minimum qualifications include 21 years of age, weight proportioned to height, vision correctable to 20/30 with no marked red or green deficiency, no hearing loss greater than 30 decibels, U.S. citizenship and the ability to obtain a Colorado drivers license, no record of arrest or conviction of a felony offense, and possession of a high school diploma or equivalent. Salary will start between \$990 and \$1,150, depending on qualifications and other requirements.

For further information, write: City of Boulder, Personnel Department, P.O. Box 791, Boulder, CO 80306, or call (303) 441-3070. Applications must be received by October 4, 1978.

**Chief of Police.** The City of Wood River, Illinois is seeking a proven leader for a police department with a staff of

24 (16 sworn officers) and a \$473,520 budget, in a suburban industrial community near St. Louis.

A B.A. is required, along with a minimum of four years of police supervisory experience. Starting salary is \$20,631.

Send resume, salary history and three references before October 15, 1978 to: Richard Underkoffer, City Manager, P.O. Box 300, Wood River, IL 62095.

**Criminal Justice Instructor/Coordinator.** Candidates for this position at Craven Community College in North Carolina should have law enforcement experience and a B.S. degree in a criminal justice related area. A master's in a related area and teaching experience is preferred but not required.

Interested persons should contact: Chairman, Human Services Division, Craven Community College, P.O. Box 885, New Bern, NC 28560. Applications accepted until September 30, 1978.

## RETIRED TRAINERS & OFFICERS SEEKING "EXTRA" INCOME:

Need 3-5 retired trainers or officers to represent excellent line of training/crime prevention/corrections films & books in Idaho, Montana, Wyoming, North & South Dakota. Easy sales & excellent commissions with little travel. Call: G. Howard, Harper & Row Media, 10 E. 53 St., NYC, NY 10022. (212) 593-7425.

## Publications of The John Jay Press

### THE LITERATURE OF POLICE CORRUPTION: Volume I: A Guide to Bibliography and Theory

by Antony E. Simpson, John Jay College of Criminal Justice Library  
with a Foreword by  
Albert J. Reiss, Jr., Yale University

This book is an intensive review of the historical and contemporary literature on police corruption. "Antony Simpson's review of what is known about police corruption is both necessary and timely," Albert Reiss writes in the Foreword. "What is reported in this volume can help those with an interest in police corruption turn to broader questions of civic morals, of public office and public trust, and of public accountability. The understanding of police corruption displayed in this volume enlightens and can illuminate the nature of fiduciary relationships in all public bureaucracies and their relationship to organizational control."

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### TERRORISM: Interdisciplinary Perspectives

edited by  
Yonah Alexander, State University of New York  
end  
Seymour Maxwell Finger, City University of New York  
with a Foreword by  
Hans J. Morgenthau, New School of Social Research

This book attempts to define international terrorism and to evaluate some of the effective approaches used to curb it. Sixteen contributors examine terrorism in terms of psychology, the military, governmental legislation, computer statistics, history, nuclear proliferation, civil liberties and the media. In the Forward, Hans J. Morgenthau states, "As the experience of organized armed citizens laying down conditions for the government to fulfill on the threat to lives and property of other citizens is novel, so must the reaction of the government to such a challenge be novel. It is the great merit of this collection of essays to consider the issues raised by contemporary terrorism in this spirit of unprecedented novelty and thereby to contribute significantly to the solution of the issues raised."

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### POLICE STUDIES The International Review of Police Development

This new, quarterly journal is intended to provide an international forum for ideas, information and research on police problems. Topics to be included are the command, leadership, and management of police; the tasks of the police, including crime, traffic, public order, and social service, the career of police, including recruitment, training, advancement, and discipline; criminal law, police science and technology; police unions and organizations; academic research, and police history.

The editor of POLICE STUDIES is Philip John Stead, Professor of Comparative Police Science at John Jay College of Criminal Justice and former Dean of Academic Studies at the U.K. Police College, Bramshill, England.

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October 1-7, 1978. One-Week Training Seminar on Terrorism/Civil Disorders. Presented by the New Jersey State Police in conjunction with LEAA. For further information, contact: DSG A. DeMauro or Det. R. Stengel, project coordinators, New Jersey State Police Training Center, Sea Girt, NJ 08750. Telephone: (201) 449-3200, ext. 240.

October 3-5, 1978. Major Case Investigations. Presented by the Center for Criminal Justice of Case Western Reserve University. Fee: \$100. For further information, contact: Center for Criminal Justice, Case Western Reserve Law School, Cleveland, OH 44106. Telephone: (216) 368-3308.

October 3-5, 1978. National Workshop on Auto Theft. Sponsored by the New York State Senate Transportation Committee. To be held at the New York Hilton Hotel. Contact: MacNeil Mitchell, Project Director, 36 W. 44 St., New York, NY 10036. Telephone: (212) 997-0975.

October 4-6, 1978. Hostage Negotiation Course. Conducted by the Florida Institute for Law Enforcement. Fee: \$125. Contact: Florida Institute for Law Enforcement, St. Petersburg Junior College, 6605 5th Ave., North P.O. Box 13489, St. Petersburg, FL 33723.

October 5-7, 1978. Facilitating Personnel and Career Planning Seminar. To be in Cincinnati by the Interface Resource Group. Fee: \$275 covers all cost. For further information and registration, call or write: Program Coordinator, Interface Resource Group, 3112 Wayne Ave., Dayton, OH 45420. Telephone: (513) 254-6775.

October 8-20, 1978. Crime Prevention Training Course. Presented by the California Crime Prevention Institute. To be held at the Kellogg West Center of Continuing Education, California State Polytechnic University, Pomona, California. Tuition: \$256.14. Contact: Loss Prevention Inc., P.O. Box 613, Sonoma, CA 95476. Telephone: (707) 938-5656.

October 9-12, 1978. Program Management for Police Supervisors. Conducted by the University of Maryland, Conferences and Institutes Division. For further details, contact: Director, Law Enforcement Institute, University of Maryland, Conferences and Institute Division, University Boulevard at Adelphi Rd., College Park, MD 20742. Telephone: (301) 454-5241.

October 9-12, 1978. The Executive and Labor Relations. To be held in Washington, D.C. by the Police Executive Program. For additional information, contact: G. Patrick Gallagher, Director, Police Executive Program, Suite 400, 1909 K Street, N.W., Washington, DC 20006.

October 16-18, 1978. Handling Hazardous Material and Transportation Emergencies Seminar. To be held in San Francisco by the National Fire Protection Association. For more details, contact: James V. McKiernan, Senior Fire Service Training Specialist, National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02210.

October 16-20, 1978. Homicide Program. Conducted by the University of Maryland, Conferences and Institutes Division. For more details consult: October 9-12.

October 16-20, 1978. Workshop: Responses to Hostage Taking. To be held in Norfolk, Virginia by the International Association of Chiefs of Police. Tuition \$300.

# Upcoming Events

For further information, contact: Joan Mindte, IACP, 11 Firstfield Rd., Gaithersburg, MD 20760. Telephone: (800) 638-4085.

October 16-November 17, 1978. Organized Crime Investigators Course VI. Presented by the Metropolitan Dade County, Florida, Public Safety Department's Institute on Organized Crime. Fee: \$300. For additional details, contact: William H. Dunman, 16400 NW 32nd Avenue, Miami, FL 33054. Telephone: (305) 625-2438.

October 18-19, 1978. Tenth Western Conference on Investigation of Crimes Involving Women and Children. Presented by The Western Conference on Criminal and Civil Problems. To be held at the Broadview Hotel in Wichita, Kansas. Fee: \$35. For more details, contact: The Western Conference on Criminal and Civil Problems, William G. Eckert, M.D., P.O. Box 8282, Wichita, KS 67208.

October 18-20, 1978. Tactical Approaches to Crimes in Progress. Presented by The Center for Criminal Justice of Case Western Reserve University. Fee: \$100. For more details, see: October 3-5.

October 22-28, 1978. One-Week Training Seminar on Terrorism/Civil Disorders. Presented by the New Jersey State Police in conjunction with LEAA. For further information, consult: October 1-7.

October 23-27, 1978. Kodak Law Enforcement Photography Workshop. To be conducted in Whittier, California by the Eastman Kodak Company. For more details contact: Law Enforcement and Security Markets, Eastman Kodak Company, Dept. 0617-A, 343 State Street, Rochester, NY 14650.

October 30-November 1, 1978. Workshop: The Detection and Identification of Illegally-Used Explosives. Sponsored by the U.S. Departments of Treasury, Energy, Justice and Transportation. To be held in Reston, Virginia. For more details, contact: A. Adey Peterson, Symposium Chairman, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave., N.W., Washington, DC 20226. Telephone: (202) 566-7436.

October 30-November 2, 1978. Police Discipline Workshop. To be held in Orlando, Florida. Presented by the International Association of Chiefs of Police. Tuition: \$300. For more details, see: October 16-20.

November 1-4, 1978. Four-day Certified Course in Lie Detection and Stress Analysis: The Mark II Voice Analyzer. Presented by Law Enforcement Associates Inc., at the Hilton Gateway Hotel, Newark, NJ. Fee: \$395. For more details, consult: Law Enforcement Associates Inc., 88 Holmes St., Box 128, Belleville, NJ 07109. Telephone: (201) 751-0001.

November 2-3, 1978. Fourth Annual Conference of The Society for Police and

Criminal Psychology. To be held in Dallas. For more details, contact: Dr. Harold Whiteside, Psychology Department, Middle Tennessee State University, Murfreesboro, TN 37132.

November 6-10, 1978. Assess Protection Course. Presented by American Society for Industrial Security. To be held at the Shorham Americana Hotel in Washington, D.C. Fee: \$475 for non-members and \$425 for members. For more details, contact: ASIS Membership and Meetings Department, 2000 K Street, N.W. Suite 651, Washington, DC 20006. Telephone: (202) 331-7887.

November 7-9, 1978. Seminar: Audits/Financial Investigations that Detect Fraud and Embezzlement. Conducted by the Association of Federal Investigators at the International Inn in Washington, D.C. Fee: \$225. For more information, contact: Association of Federal Investigators, 815 15th Street, N.W. Washington, DC 20005. Telephone: (202) 347-5550, 653-6865.

November 8-9, 1978. Police Stress Workshop. Presented by The North Carolina Justice Institute, in conjunction with Criminal Justice Associates, Ltd.. To be held in Washington, D.C. Fee: \$225. For further details, write or call: Mr. James Carino, Program Coordinator, P.O. Box 23101, L'Enfant Plaza Station, Washington, DC 20024. Telephone: (301) 568-8888.

November 8-11, 1978. Thirteenth Annual Meeting of the American Society of Criminology. To be held in Dallas. For further information, contact: Professor P.J. Brantingham, Department of Criminology, Simon Fraser University, Burnaby, B.C. V5A 1M6, Canada.

November 13-15, 1978. Career Skills Seminar for Women. To be held at the Merrey Center in Cincinnati. Presented by the Interface Resource Group. Fee: \$295 covers all costs. For further information, consult October 5-7.

November 14-17, 1978. First Annual National Crime Prevention Institute Conference. To be held in Louisville, Kentucky by the National Crime Prevention Institute. Fee: \$50. For further information, contact: Conference Coordinator, The National Crime Prevention Institute, School of Police Administration, University of Louisville, KY 40222. Telephone: (502) 588-6987.

November 15, 1978. Course: Security For Small Businesses. To be held in Indianapolis. Presented by Indiana University Center for Public Safety Training. Fee: \$25. For more information contact: Indiana University, Center for Public Safety Training, 150 W. Market Street, Suite 400, Indianapolis, IN 46204. Telephone: (317) 264-8085.

November 15-17, 1978. Interview and Interrogation Course. Presented by the Florida Institute for Law Enforcement.

Fee: \$125. For further information, see: October 4-6.

November 15-17, 1978. Seminar: Narcotics and Dangerous Drugs. Presented by Northern Virginia Community College, Annadale, Virginia. For complete information, contact: Professor Lander C. Hamilton, Administration of Justice, Northern Virginia Community College, 8333 Little River Turnpike, Annadale, VA 22003. Telephone: (703) 323-3255.

November 15-17, 1978. Seminar on Officer Survival: Domestic Dispute and Conflict Management Techniques. To be held in New York by Harper & Row Media. For more information, contact: Harper & Row Media, Director of Seminars, 10 East 53 St., New York, NY 10022.

November 17, 1978. Management, Command and Supervisory Personnel Program. Presented by The New England Institute of Law Enforcement Management. To be held at Babson College, Wellesley, Massachusetts. Fee: \$700. For further information, call or write: John T. Howland, Director, P.O. Drawer E, Babson Park, MA 02157. Telephone: (617) 237-4724.

## LAW ENFORCEMENT PERSONNEL WORKSHOPS

EISENBERG & ASSOCIATES is offering a series of five two-day law enforcement personnel workshops during the months of October and November 1978 in Seattle, Denver, San Antonio, and Santa Cruz.

Topics will include, Inspections & Internal Affairs, Civilianization & Manpower Costs, The Assessment Center Method, Performance Appraisal, and Scheduling & Manpower Allocation. An impressive staff of sworn and civilian instructors has been assembled.

Tuition is \$195.00 for each two-day workshop. For further details and information, contact: Dr. Terry Eisenberg, 6678 Landwood Lane, San Jose, CA 95120, or call collect: (408) 997-2677.

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WHAT'S ON YOUR MIND?

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mentary from our readers on topics  
of interest to the criminal justice  
community.

# Di Grazia under fire . . .

Continued from Page 1

would dismiss di Grazia if he were elected, Gilchrist said he had some "serious" differences with the "tenor of the police department right now."

Echoing Simpson's remark that the "social worker syndrome is not adequate" for many officers, Gilchrist blasted the "abandonment of efforts to find leadership from within the ranks of the police force" and the "distortion of the merit system by making a non-officer second in command."

Philip Marks, di Grazia's assistant, is a civilian, and Gilchrist further played on this point by noting that the chief picked another civilian "with absolutely no background in the life-risk aspects of police work" to head the police training academy.

The candidate also criticized di Grazia's policy toward promotions.

A police spokesman said that the chief would not comment on Gilchrist remarks because as a "Professional police administrator, he would not get involved in election politics."

Four of Gilchrist's opponents in the county election also said that they would not discuss the issue, despite apparent morale problems in the police force. Commenting on Gilchrist's remarks, another Democratic candidate, John Menke, noted "I hate to put it this way, but he has thrown more gasoline on the fires." And Royce Hanson, also a Democrat, said, "The last thing that needs to be done is to make it a political football."

## 'The Punishment Response' . . .

Continued from Page 13

play along with death and punishment. Medicine revolved, at that time, completely around death. Bodies were bought and taken away after hangings to be dissected, because the study of anatomy had become a central point in the training of English surgeons and physicians. Common people, however, found this to be an outrage and were terrified.

It is amazing that, while capital punishment was at its strongest at this point, medicine was able to benefit by these dissections by chance. Bronchotomy was given its start when William Gordon was hanged and an eccentric surgeon named Chovet made an incision into Gordon's windpipe so that he was able to breathe even though the rope was tightly around his neck.

It seems to me that throughout the book, as the author guesses at the historical and cultural reasons for punishment, he seems to be saying that we are all sadists.

In this respect I cannot agree with him. He goes on to show the difference in the punisher and the punished, which seems feasible to me because, as he says, extroverts are less susceptible to physical punishment. Introverts are more sensitive to all types of punishment, especially physical forms.

The primitive remedy of corporal punishment, which is an extension of our social order, would equalize this. Unfortunately this could mean the re-introduction of torture, pain and repression. Punishment, as a general deterrent to bring about mass obedience, is immoral. A moral punishment must be in a direct proportion to the offense. According to Freud, we are all potentially disobedient and therefore possible offenders. By changing one offender, we have many more to take his place. Graeme Newman adheres to the idea that social order is created by crime. He leans toward the retributive model and advocates the great potentials of psychosurgery.

—Peter York

## Cops are people too

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## New products for law enforcement

Items about new or modified products are based on news releases and/or other information received from the manufacturer or distributor. Nothing contained herein should be understood to imply the endorsement of Law Enforcement News.

**AUTO ANTI-THEFT LOCK** — The Car Cuf is an adjustable lock which fits around an automobile's steering column to conceal and guard the ignition switch.

Manufactured with five locking positions and an internal fitting that adjusts to assure secure positioning, the device is designed to fit most domestic autos manufactured since 1969.

Featuring an eight-tumbler, double-sided, push-button deadlock, Car Cuf covers the ignition with a cast aluminum housing that is fastened by a case-hardened steel shackle. Both the housing and shackle are nylon and vinyl coated to prevent scratches. The entire unit is completely removable when not in use and can be stored under most car seats.

For additional details, contact Car Cuf Industries, Inc., Lawrence Tankel, Sales, 285 Newtonville Avenue, Newtonville, MA 02160. Telephone: (617) 965-3400.

**INFRARED DETECTORS** — CC Systems offers a number of infrared units that combine a source of invisible light with a viewing device that converts the infrared rays into the human range of vision, enabling the user to check for forgeries on legal documents, detect explosives or view images that are concealed by darkness.

The Detect-R-Scope J-200 is a lightweight, hand-held viewer that produces a concentrated beam for viewing individual objects. The unit is capable of exposing defects in papers and documents that have been stained, burned or blotted by ink.

A second hand-held device, the Detect-R-Site J-450, has a more powerful illumination source that provides an ultimate viewing range of 150 yards at night. An image in total darkness can be viewed as if it were illuminated by daylight.

CC System's Counter Espionage System J-3000 is a stationary unit designed to screen suspicious articles and packages. Direct illumination is emitted from the system's viewing table through the object under examination, enabling the operator to determine the contents of envelopes. When the infrared rays are reflected from above, illegal alterations to papers, documents or passports become visible.

More information can be obtained from CC Systems, 605 Third Avenue, New York, NY 10016. Telephone: (212) 682-4637.

**SECURITY CAMERA** — Schurmer-National's new 280 VC is a magazine-loaded 35mm security camera with a 2,000-frame film capacity which provides 15 minutes of sequence photography in bank and industrial applications.

Activated on command from a holdup button, treadle, money clip switch or a similar device, the 280 VC operates at two frames per second with a depth of field from three feet to infinity. The camera is precision-machined and is housed in a cast casing secured by thumbscrews and locks.

Capable of being tied-in to any alarm system, the unit comes with a wide angle, 28mm lens set at f2.8; however, optional 21 and 24mm lenses are available for special applications.

Powered by 26 VAC at 60 or 50 Hz, the system features single bracket mounting, high film capacity and interchangeable film magazines. A similar model, the 285-VC,

utilizes 16mm magazines for a capacity of 10,000 frames.

For details and price information, contact CFI Camera Division, Schurmer-National Co., 100 Ricefield Lane, Hauppauge, NY 11787. Telephone: (516) 864-3224.

**SPACE PROTECTION SYSTEM** — Engineered for residential and small commercial application, the Unity US-1 system combines a versatile local alarm control panel with an ultrasonic space protection control, thereby eliminating the need for separate controls and interconnecting wiring.

Control functions include 24-hour tamper protection for transducer cables and remote key station, five-second delay of SPDT dialer or central office relay output after the alarm sounds, a six-minute bell shut-off timer with automatic reset, and remote station capability.

The unit's ultrasonic portion will power up to six pairs of transducers, providing up to 6,000 square feet of space protection. An internal 12 VDC rechargeable power supply produces a one-and-a-half ampere output for bells, sirens and other warning devices.

A companion system, the model US-2, is identical in all respects to the US-1, however, a polarity reversing output with adjustable voltage is provided for police or central station connection.

Further information can be obtained by writing: Unisec, Inc., 2251 Bancroft Avenue, San Leandro, CA 94577.

**PHOTOGRAPHY PROGRAM** — "Photography for Police" is a multi-media training curriculum designed to help law enforcement photo units meet professional standards of excellence.

Consisting of six separate units, the program covers such topics as basic photographic techniques, general crime scene photography, photographing specific crimes and articles of evidence, photographing traffic accidents, surveillance photography, and testifying and preparing courtroom photo exhibits.

Each of the program's units contains 140-35mm slides, an audio cassette and an 80-page handbook. The format is designed to enable officers using the units for self-study to stop the presentation at any time and repeat sections as needed.

For more details, write Harper & Row Media, Customer Service, 2350 Virginia Avenue, Hagerstown, MD 21740.

**HOSTAGE SURVIVAL PROGRAM** — Motorola Teleprograms has developed a multi-media training package designed to help executives survive in the event that they become kidnap victims.

Consisting of a 28-foot motion picture and 80 slides, the program presents a composite kidnapping incident which is based on in-depth interviews with actual kidnap victims. A leader's manual and a student handbook is also included.

In order to improve the potential victim's understanding of the kidnap process, the program discusses the feelings and behavior of the victim, the feelings and behavior of the terrorist, and the activities of third parties during a kidnapping.

For further information, contact Motorola Teleprograms, Inc., 4825 North Scott Street, Schiller Park, IL 60176.